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**NSW Procurement - Contracting Services is a Business Unit of the NSW  
Department of Commerce**

**NSW Procurement - Contracting Services invites this Expression of Interest for and on  
behalf of the NSW Government State Contracts Control Board**

**Expression of Interest (EOI) 0700024**

**Wireless Broadband**

**EOI Issue Date: 29 January 2007**

**Closing Date: 28 February 2007**

**Closing Time: 9:30 am Sydney Time**

Note: There is no charge for downloading an electronic copy from  
<https://tenders.nsw.gov.au/commerce>.

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Other formats, such as Braille and audio (cassette tape), will be considered on a case-by-case basis.

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For the purposes of this EOI, inquiries should be directed to the Contact Officer nominated in Part A of this EOI.

Other matters should be directed to:

Group General Manager  
NSW Procurement - Contracting Services  
NSW Department of Commerce  
McKell Building  
2-24 Rawson Place  
Sydney NSW 2000  
Tel: (02) 9372 7511  
Fax: (02) 9372 7599

# EOI 0700024 Wireless Broadband

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## **PART A      OUTLINE OF THE REQUIREMENT**

### **1.      THE REQUIREMENT**

- 1.1      This document invites Expression of Interest ("EOI's") for extending Wireless Broadband in certain NSW cities.
- 1.2      NSW Department of Commerce, on behalf of NSW Government, is seeking to explore the market and obtain relevant information on the viability of supplying a free wireless broadband service as an option in addition to fee based premium services. Information gained from this exercise will provide assistance to the Government in identifying the best role it can play in supporting and encouraging this initiative.
- 1.3      EOI Respondents are required to provide their responses at Part C Response section.
- 1.4      No legal or other obligation shall arise between any Party as a result of this EOI.
- 1.5      The State Contracts Control Board ('the Board') is responsible for the conduct of the EOI process, assisted by NSW Procurement - Contracting Services.

### **2.      SUMMARY INFORMATION FOR RESPONDENTS**

#### **2.1      Interpretation**

Definitions of terms used in Parts A-C are listed at the start of Part B.

#### **2.2      Structure Of Expression of Information**

- 2.2.1      This EOI is made up of Parts A to D. If submitting a Response, retain Parts A, B and D. The completed Part C forms the Response.
- 2.2.2      Submit Part C in accordance with instructions in Part B.

#### **2.3      Contact Officer**

- 2.3.1      Refer requests for information or advice regarding this EOI to:

Name:    Maria Chan  
Phone:   (02) 9372 7587  
Fax:      (02) 9372 7633  
Email:   maria.chan@commerce.nsw.gov.au

- 2.3.2      Any information given to a Respondent to clarify any aspect of this EOI will also be given to all other Respondents if in the Board's opinion the information would unfairly favour the inquiring Respondent.

#### **2.4      Eligibility to Tender**

- 2.4.1      Responses must be submitted by a legal entity or, if a joint Response, by legal entities, with the capacity to contract. The Board will only enter a deed of agreement with the relevant legal entity or entities.
- 2.4.2      The Board may ask a Respondent to provide any material the Board considers necessary to establish its legal status or financial and legal capacity to contract. Any material requested is to be provided within 3 working days of the request.

- 2.4.3 The Board reserves the right to reject any Response if the Board judges the Respondent not to have appropriate financial assets.
- 2.4.4 The Board will not enter into an agreement with a company that does not have an Australian Business Number (ABN) and is not registered for GST where it is required by law to have an ABN or be registered for GST. Responses from Respondents that do not have an ABN and/or are not registered for GST, such as Respondents commencing business in Australia, may be considered at the Board's discretion if the Respondent demonstrates that it will obtain an ABN and GST registration before entering into an agreement with the Board.

### **3. WHERE TO OBTAIN THIS EOI**

#### **3.1 EOI Copies**

- 3.1.1 A Respondent may obtain either a hard copy or electronic copy of this EOI.
- 3.1.2 NSW Department of Commerce has adopted an electronic tendering system using the internet, which has the capacity for viewing, downloading, or ordering the EOI and for the lodgement of Responses.

#### **3.2 Hard Copy**

A hard copy of this EOI is available from Tendering and Contracting, NSW Procurement - Contracting Services. Refer to Contact Officer details.

#### **3.3 Electronic Copy**

- 3.3.1 An electronic copy of the EOI and any Addenda that may be issued up to the Closing Date and Time, may be viewed and downloaded from the internet at the NSW Department of Commerce *eTendering* website at <https://tenders.nsw.gov.au/commerce>
- 3.3.2 A Respondent is encouraged, although not required, to obtain the EOI and to lodge a Response electronically through the NSW Department of Commerce *eTendering* website.
- 3.3.3 In order to download an electronic copy of the EOI, a Respondent must first register as a site user.
- 3.3.4 A Respondent should follow the instructions on the site to view an EOI. To locate and view an EOI and its EOI Summary, follow the instructions on the NSW Department of Commerce *eTendering* website:
- (a) First locate the EOI using the Tender Search, or by looking at the Current Tenders listings screen where the additional search function may also be used.
  - (b) You may see some details of the EOI by accessing them through the blue "Viewable Copy" button. This function is provided to assist in making a decision to obtain a "Responsible Copy" of the EOI.
  - (c) Download the "Responsible Copy" files from the website by selecting the blue "Responsible Copy" button (if one appears for the EOI) and then follow the steps and the instructions on the NSW Department of Commerce *eTendering* website.

## PART B THE EOI PROCESS

### 4. DEFINITIONS OF TERMS USED IN PARTS A-C

- 4.1 Unless the context indicates otherwise, the following terms, where used in Parts A-C of this EOI, shall have the meanings set out below. Note that not all defined terms will appear in all EOI's.

**"ABN"** means an Australian Business Number as provided in the GST Law.

**"Addendum"** means an addendum or addition to this EOI made by the Board before the Closing Date and Time.

**"Board"** means the State Contracts Control Board established under the *Public Sector Employment and Management Act 2002* whose responsibilities include:

- Inviting and accepting tenders/RFI's (as appropriate);
- Determining the conditions under which tenders/RFI's are invited or accepted (as appropriate);
- Entering into contracts on behalf of Departments and other public sector agencies; and
- On-going contract administration and management;

and includes the duly authorised delegates of the Board, including officers of NSW Procurement - Contracting Services.

**"Closing Date and Time"** means the Closing Date and Time for receipt of EOI Responses, specified on the cover sheet to this EOI.

**"Code"** means the *NSW Government Code of Practice for Procurement*, as amended from time to time, together with any other codes of practice relating to procurement, including any amendments to such codes that may be applicable to the particular tender or RFI. The code can be viewed and downloaded from:  
[http://www.treasury.nsw.gov.au/procurement/pdf/code\\_of\\_prac-curr.pdf](http://www.treasury.nsw.gov.au/procurement/pdf/code_of_prac-curr.pdf)

**"Conforming Response"** means a Response that:

- (a) conforms to the Requirement;
- (b) is in the prescribed form;
- (c) conforms to all of the other requirements of this EOI.

**"Deliverables"** means any goods and/or services described in this EOI.

**"EOI"** means Expression of Interest.

**"GST"** is a goods and services tax and has the same meaning as in the GST Law.

**"GST Free Supplies"** and **"Input Taxed Supplies"** have the same meaning as in the GST Law.

**"GST Law"** means any law imposing a GST and includes *A New Tax System (Goods & Services Tax) Act 1999* (Cth) or if that Act does not exist, means any Act imposing, or relating, to a GST and any regulation made under those Acts.



**“Late Response”** means a Response received after the Closing Date and Time for Responses and includes a Response which is only partly received by the Closing Date and Time.

**“Non-Conforming Response”** means a Response that:

- (a) does not conform to the requirements of the EOI;
- (b) is not in the prescribed form.

**“OHS&R”** means occupational health, safety and rehabilitation.

**“Response”** means the information provided by the Respondent to the EOI.

**“NSW Procurement - Contracting Services”** means a business unit of the NSW Department of Commerce representing the Board and authorised to arrange and administer contracts on behalf of the Board.

## **5. PREPARATION OF RESPONSE - GENERAL**

### **5.1 Conformity Of Responses**

5.1.1 The Board seeks Conforming Responses.

5.1.2 Responses that do not include a fully completed Part C, in particular those Responses that do not contain sufficient information to permit a proper evaluation to be conducted, or, in the case of electronic Responses, which cannot be effectively evaluated because the file has become corrupt, may be excluded from the evaluation process without further consideration at the Board’s discretion.

### **5.2 Prescribed Form Of Response**

5.2.1 The Response must comprise a completed Part C and any attachments to Part C, as may be necessary. Any attachments should be labelled to identify those clauses of the EOI to which they relate.

### **5.3 General Instructions For Completion Of Responses**

5.3.1 Responses are to be in writing and in English.

5.3.2 Respondents must initial and date any alterations to, and deletions from, a hard copy Response.

5.3.3 Respondents should complete ALL of Part C of this EOI, as directed.

5.3.4 Respondents should notify the Contact Officer in writing on or before the Closing Date and Time if they find any discrepancy, error or omission in this EOI.

#### **5.4 Addenda To This EOI Before Close Of Responses**

- 5.4.1 The Board, during the EOI response period, may issue Addenda altering the EOI. In such cases, it is the obligation of the Respondent to verify if any Addenda were issued prior to the closing date, even if an EOI has already been submitted. They must obtain a copy of all Addenda as given in clause 5.4.2 or 5.4.3 as applicable.
- 5.4.2 Where an EOI has been acquired in hard copy form, Respondents must contact the Contact Officer named under clause 2.3 of Part A or the Tenders Office (Level 8, McKell Building, 2-24 Rawson Place, Sydney, contact number (02) 9372 8900, e-mail: [Tenders@commerce.nsw.gov.au](mailto:Tenders@commerce.nsw.gov.au)).
- 5.4.3 Where an EOI has been acquired in an electronic form, Respondents must check the website address, <https://tenders.nsw.gov.au/commerce> and download the Addendum.

#### **5.5 Briefing**

- 5.5.1 An EOI briefing will be held on Thursday 8th February 2007, 10:00am, at Metcalfe Auditorium at the State Library of NSW, Macquarie Street Sydney. If you are interested in attending, please contact Maria Chan on (02) 9372 7587, or email [maria.chan@commerce.nsw.gov.au](mailto:maria.chan@commerce.nsw.gov.au).

#### **5.6 Respondents To Inform Themselves**

Before submitting its Response, a Respondent must:

- (a) Examine all information relevant to the risks and contingencies and other circumstances having an effect on its Response; and
- (b) Satisfy itself that the Response is complete.

#### **5.7 Disclaimer**

- 5.7.1 NSW Procurement - Contracting Services has prepared this document to give interested parties background information on the project. Whilst NSW Procurement - Contracting Services has taken care in the preparation of the information contained herein and believes it to be accurate, neither NSW Procurement - Contracting Services, the State, any of its authorities or agencies nor any of their respective officers, employees, agents or advisers gives any warranty, or makes any representations, express or implied, as to the completeness or accuracy of the information contained in this document or any information which may be provided in association herewith.
- 5.7.2 The information provided is not intended to be exhaustive. Interested parties are required to make their own enquiries and Respondents may be required to confirm in writing that they have done so and do not rely upon the information in this document in submitting an EOI. The information is provided on the basis that it is not binding on NSW Procurement - Contracting Services, the Principal, the State, any of its authorities or agencies or any of their respective officers, employees, agents or advisers.

## **6. PREPARATION OF RESPONSE – POLICY REQUIREMENTS**

### **6.1 Procurement Policy – Introduction**

Respondents should read the main policy document listed below. Other relevant policies and particular policy objectives to be implemented through this procurement are drawn to Respondents' attention in this clause. Their requirements are reflected in the selection criteria and in the responses required in Part C.

NSW Government Procurement Policy

<http://www.treasury.nsw.gov.au/pubs/tpp2004/tpp04-1.pdf>

### **6.2 Code Of Practice For Procurement**

6.2.1 Respondents must comply with the NSW Government *Code Of Practice For Procurement*, which is available at:

[http://www.treasury.nsw.gov.au/procurement/pdf/code\\_of\\_practice.pdf](http://www.treasury.nsw.gov.au/procurement/pdf/code_of_practice.pdf)

6.2.2 Lodgement of a Response will itself be an acknowledgement and representation by the Respondent that it is aware of the requirements of the Code, that the Respondent will comply with the Code and that the Respondent agrees to provide periodic evidence of compliance with the Code.

6.2.3 If a Respondent has failed to comply with the Code, this failure will be taken into account by the Board when considering its Response to this EOI or any subsequent EOI or tender invitation and may result in this or any subsequent Response being passed over without prejudice to any other rights or action or remedies available to the Board.

### **6.3 Environmental Management**

6.3.1 The NSW Government seeks to promote ecologically sustainable development through procurement. The Respondent is required in Part C to highlight how the provision of the Deliverables would promote this object if its Response is accepted.

### **6.4 Occupational Health Safety & Rehabilitation**

6.4.1 Respondents must comply with the following OHS&R requirements in the performance of any agreement awarded:

- (a) The Occupational Health and Safety Act 2000 (NSW) and any regulation made under this Act, including the OHS Regulation 2001; and
- (b) Codes of Practice, approved and issued pursuant to the above Act and/or regulations made under the Act.

6.4.2 Respondents must ensure that the Respondent's Sub-Contractors will comply with the OHS&R requirements listed in 6.4.1 in the performance of any Agreement awarded.

## **7. PREPARATION OF RESPONSE**

### **7.1 Returnable Schedules**

- 7.1.1 Respondents are to complete and return the Part C Response.
- 7.1.2 If insufficient space is provided in any or all of the Schedules, Respondents are to submit attachment(s) to their Response, comprising sufficient information to enable a thorough evaluation of the EOI Response.

## **8. SUBMISSION OF RESPONSES**

### **8.1 General Instructions For Submission Of Responses**

- 8.1.1 A Response must be received by the Closing Date and Time.
- 8.1.2 A Response may be submitted by any of the following methods:
  - (a) by delivery into the Tender Box:
    - (1) It must be marked:  
  
Tender Box  
NSW Department of Commerce  
Level 3, McKell Building  
2-24 Rawson Place  
Sydney NSW 2000
  - (b) by post, addressed to  
  
Tender Box  
Tenders Office,  
Level 8, McKell Building  
2-24 Rawson Place  
Sydney NSW 2000
  - (c) by facsimile to (02) 9372 8974
  - (d) Preferred Method. By electronic lodgement through the NSW Department of Commerce, *eTendering* website at <https://tenders.nsw.gov.au/commerce/>  
This way a system generated Receipt of a successful lodgment will be issued.
- 8.1.3 If a Respondent intends to submit electronically through the NSW Department of Commerce *eTendering* website or by facsimile, the following must be considered:
  - (a) The facsimile machine and NSW Department of Commerce *eTendering* website are at peak use on the morning when EOI's and tenders close.
    - 1) Due to the limitations of these means of communication it may take longer to lodge a Response near Closing Date and Closing Time than at other times.
    - 2) When lodging by facsimile or through the NSW Department of Commerce *eTendering* website, it is recommended that a Response be lodged well in advance of the Closing Date and Closing Time.

- 3) A Respondent must determine whether lodgement of a Response by facsimile or through the NSW Department of Commerce *eTendering* website is appropriate.
- (b) The facsimile machine and the NSW Department of Commerce *eTendering* website may experience difficulties in accepting a large Response. A Response lodged via the NSW Department of Commerce *eTendering* website should ideally be below 7 megabytes (MB) in total file size. Responses totalling more than 7MB may experience difficulties in lodgement. A Respondent is referred to the clause governing electronic Responses to the NSW Department of Commerce *eTendering* website for instructions as to compressing electronically submitted Responses.
- 1) In order to comply with the above paragraph, an electronic Response may be supported by documents in hard copy or on CD-ROM.
  - 2) Supporting documents, to be submitted in hard copy or on CD-ROM, may be designated throughout the EOI. Supporting documents may include, but are not limited to, statutory declarations, certificates, and company brochures.
  - 3) If submitting an electronic Response with supporting documents:
    - (a) The complete Response, including the supporting documents, must be submitted by Closing Date and Closing Time, and
    - (b) Supporting documents should be clearly designated as "Supporting Documents to EOI 0700024"

8.1.4 A Respondent is not required to provide multiple copies of a Response.

- (a) If a Respondent provides multiple submissions, the Respondent should clearly state on the front page of the Response whether it is:
- (1) A "Copy." A copy must be identical to an earlier or simultaneous submission in every respect.
  - (2) A "Variation." A variation of an earlier Response will be deemed as superseding a prior submission.
- (b) In the event that a Respondent fails to designate whether a submission is a Copy or a Variation, the latest Response received in the NSW Department of Commerce Tender Box will be deemed as the definitive submission.

8.1.5 If required, a Respondent must provide a copy of the Price Schedule on a CD-ROM or an IBM compatible 1.44MB floppy disk in a file format that can be read, formatted, displayed, manipulated and printed by Microsoft Excel 97.

## **8.2 Electronic Responses To The NSW Department Of Commerce *eTendering* Website**

8.2.1 A Respondent is strongly encouraged, although not required, to lodge its Response electronically through the NSW Department of Commerce *eTendering* website at <https://tenders.nsw.gov.au/commerce>. A Response submitted electronically 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.

- 8.2.2 A Respondent, by electronically lodging a Response, is taken to have accepted the conditions detailed herein and on the NSW Department of Commerce *eTendering* website.
- 8.2.3 A Respondent must follow the following directions:
- (a) An EOI for which electronic lodgement is available through the website can be identified by the blue “Lodge a Response” button on the web pages for the EOI.
  - (b) To lodge a Response electronically, the files containing the Response must be up-loaded through the website. Access to the up-loading process is through the blue “Lodge a Response” button, then follow the steps and instructions on the NSW Department of Commerce *eTendering* website and any instructions which may have been supplied with the EOI Summary and/or Responsible Copy.
- 8.2.4 A Respondent must observe the following format for submissions:
- (a) An electronically lodged Response must be lodged in a file format which can be read, formatted, displayed and printed by Microsoft Word 97, or any format required by the EOI.
  - (b) If a Respondent compresses files, it must be possible to decompress them using WinZip. A Respondent must not submit self-extracting (\*.exe) zip files.
  - (c) A Respondent must not change pre-existing text in the EOI other than to insert the required information.
- 8.2.5 Signatures are not required for a Response submitted to the NSW Department of Commerce *eTendering* website. A Respondent must ensure that a Response is authorised by the person or persons who may do so on behalf of the Respondent and appropriately identify the person and indicate the person’s approval of the information communicated.
- 8.2.6 Electronically submitted Responses may be made corrupt or incomplete, for example by computer viruses. The Board may decline to consider a Response that cannot be effectively evaluated because it is incomplete or corrupt. Note that:
- (a) To reduce the likelihood of viruses, a Respondent must not include any macros, applets, or executable code or files in a Response;
  - (b) A Respondent should ensure that electronically submitted files are free from viruses by checking the files with an up to date virus-checking program before submission.
- 8.2.7 If a Respondent experiences any persistent difficulty with the NSW Department of Commerce *eTendering* website in submitting a Response or otherwise, it is encouraged to advise the Contact Officer. A Respondent should note:
- (a) There are usually alternative Response lodgement methods described in the EOI. It is always the Respondent’s responsibility to lodge the Response by Closing Date and Closing Time.
  - (b) If there is a defect or failure of the NSW Department of Commerce *eTendering* website and the Board is advised, the Response Closing Date and Closing Time may be extended provided that, in the view of the Board, the EOI process will not be compromised by such an extension.

### **8.3 Custody Of Responses After Receipt**

- 8.3.1 All hard copy Responses submitted (and any accompanying CD-ROMS or floppy disks) are kept in the NSW Department of Commerce Tender Box, which is locked, until after Closing Date and Closing Time.
- 8.3.2 Responses lodged electronically to the NSW Department of Commerce *eTendering* website 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.
- (a) On receipt of Responses lodged electronically to the NSW Department of Commerce *eTendering* website, Responses are encrypted and stored in a secure "electronic tender box."
  - (b) For reasons of probity and security, NSW Department of Commerce is prevented from interrogating the electronic tender box to ascertain whether Responses have been received or for any reason, until after the Closing Date and Closing Time.
  - (c) The e-mail receipt that is sent to the Respondent after successfully uploading the Response is the only evidence of Response lodgement provided.

### **8.4 Late Responses**

- 8.4.1 In accordance with the requirements of the Code of Practice for Procurement, Late Responses will not be considered except when the Board is satisfied that the integrity and competitiveness of the EOI submission process will not be compromised.
- 8.4.2 Normally, Late Responses will not be considered for acceptance if they are:
- (a) hand delivered, including hand delivered by courier; or
  - (b) received through Australia Post unless the envelope is clearly postmarked before the Closing Date and Time; or
  - (c) received through Australia Post with only the Respondent's own franking machine on the envelope; or
  - (d) received by electronic communication (facsimile or over the internet) and the despatch of the electronic communication of the Response has occurred after the Closing Date and Time, including where delay may be due to the receiving facsimile or internet facility being engaged, faulty or otherwise inoperative.

### **8.5 Extension Of The Closing Date And Time**

- 8.5.1 The Board may, in its discretion, extend the Closing Date and Time.

## **9. EVALUATION OF RESPONSES**

### **9.1 General**

- 9.1.1 Responses will be assessed against the evaluation criteria listed below, which are not necessarily exhaustive, in order of significance or to be given equal weight.
- 9.1.2 Information supplied by the Respondent in Part C will contribute to the assessment against each criterion. Respondents are advised to respond clearly to all the selection criteria listed in this EOI.

### **9.2 Evaluation Criteria**

- (a) Technical capability;
- (b) Service coverage and support;
- (c) Company capability;
- (d) Value for money;
- (e) Previous experience and standard of performance; and
- (f) Compliance with applicable policies, legislation and standards.

### **9.3 Variation Of Responses**

9.3.1 At any time before the Board decides on an appropriate procurement strategy (including, but not limited to, the short-listing of EOI Respondents for purposes of submitting fixed-price proposals), a Respondent may vary its Response:

- (a) by providing the Board with further information by way of explanation or clarification (“provide an explanation”);
- (b) by correcting a mistake or anomaly (“correct a mistake”); or
- (c) by documenting agreed changes to the Response negotiated under this Part B.

9.3.2 Such a variation may be made either:

- (a) at the request of the Board, or
- (b) with the consent of the Board at the request of the Respondent,

but only if,

- (c) in the case of variation requested by the Respondent to provide an explanation or correct a mistake, it appears to the Board reasonable in the circumstances to allow the Respondent to provide the explanation or correct the mistake or anomaly.

9.3.3 If a Response is varied to provide an explanation or correct a mistake, the Board will provide all other Respondents whose Responses have similar characteristics with the opportunity of varying their Responses in a similar way.

9.3.4 A variation of a Response will not be permitted if in the Board’s view:

- (a) it would substantially alter the original Response; or
- (b) in the case of variation to provide an explanation or correct a mistake, it would result in the revising or expanding of a Response in a way which would give a Respondent an unfair advantage over other Respondents.

### **9.4 Exchange Of Information Between Government Agencies**

9.4.1 Lodgement of a Response will itself be an authorisation by the Respondent to the Board to make available, on request, to any NSW Government agency information, including but not limited to, information dealing with the Respondent’s performance for any agreement that may ultimately be awarded. Such information may be used by the recipient NSW Government agency for assessment of suitability for pre-qualification, selective tender lists, expressions of interest or the award of a contract or termination of contract.



- 9.4.2 The provision of the information by the Board to any other NSW Government agency is agreed by the Respondent to be a communication falling within section 22(1) of the *Defamation Act 1974 (NSW)*, and the Respondent shall have no claim against the Board and the State of New South Wales in respect of any matter arising out of the provision or receipt of such information, including any claim for loss to the Respondent arising out of the communication.
- 9.4.3 In the evaluation of Responses, the Board may take into account any information about the Respondent that the Board receives from any source.
- 9.4.4 To avoid doubt, information which may be collected, exchanged and used in accordance with this provision includes "personal information" about the Respondent for the purposes of the *Privacy and Personal Information Protection Act 1998*. Lodgement of a Response will be an authorisation by the Respondent to the Board to collect such information from third parties, and to use and exchange such information in accordance with this clause.
- 9.4.5 The Respondent's attention is drawn to the *Freedom of Information (FOI) Act 1989* which may confer rights, subject to the terms of that Act, to access, and to require the correction of, information held by certain agencies.
- 9.4.6 The *Freedom of Information (FOI) Act 1989* also gives to members of the public, rights of access to official documents of the New South Wales Government and its agencies. The Act extends, as far as possible, the right of the community to access information (generally documents) in the possession of the New South Wales Government, limited only by considerations of the protection of essential public interest and of the private and business affairs of persons in respect of whom information is collected and held by departments and public authorities.
- 9.4.7 Should a request be made under the FOI Act, a decision by the New South Wales Government to grant or refuse access to EOI documents considered to be 'commercial-in-confidence' would normally be made only after consultation with the Respondent concerned. Such consultation would nevertheless be without prejudice to any decision to release the information, such decision ultimately being determined by the requirements of the FOI Act.

## **9.5 Corrupt Or Unethical Conduct**

- 9.5.1 If a Respondent, or any of its officers, employees, agents or sub-contractors is found to have:
- (a) offered any inducement or reward to any public servant or employee, agent or subcontractor of the Board, the Principal, or the NSW Government in connection with this EOI or the submitted Response;
  - (b) committed corrupt conduct in accordance with the provisions of the *Independent Commission Against Corruption Act 1988*;
  - (c) a record or alleged record of unethical behaviour; or
  - (d) not complied with the requirements of Commerce Business Ethics Statement found in the link below:

<http://www.commerce.nsw.gov.au/About+Commerce/Business+ethics+statement.htm#commerce>

this may result in the EOI not receiving further consideration.

- 9.5.2 The Board is under no obligation to do so, but may, in its discretion, invite a relevant Respondent to provide written comments within a specified time before the Board excludes the Respondent on this basis.

## **10. OUTCOMES**

### **10.1 Determination Of Procurement Strategy**

The Board reserves the right, in its absolute discretion, to adopt any of the following procurement strategies, following the evaluation of EOI Responses:

- (a) Invitation of public tenders;
- (b) Invitation of tenders from a short-listed group of EOI Respondents; or
- (c) Direct negotiation with a single EOI Respondent.

### **10.2 Discontinuance Of Process**

- 10.2.1 In addition to its right to decide on any of the procurement strategies identified at clause 10.1, the Board reserves the right to discontinue the procurement process at any point, without making a determination regarding the invitation of tenders from one or more organisations.

- 10.2.2 The Board will not be liable for any losses suffered by a Respondent as a result of discontinuance of the procurement process, including costs of responding.

### **10.3 Notification Of Outcome**

Following the Board's decision, all Respondents will be notified in writing of the outcome of their responses.

### **10.4 Complaints**

- 10.4.1 It is the NSW Government's objective to ensure that industry is given every opportunity to win Government contracts. Should any entity feel that it has been unfairly excluded from responding or unfairly disadvantaged by the conditions herein, it is invited to write to:

Chairman  
State Contracts Control Board  
Level 22, McKell Building  
2-24 Rawson Place  
SYDNEY NSW 2000

### **10.5 Ownership Of Responses**

- 10.5.1 All Responses become the property of the Board on submission.
- 10.5.2 The Board may make copies of the Responses for any purpose related to this EOI.



**NSW Procurement – Contracting Services is a Business Unit of the NSW  
Department of Commerce**

**NSW Procurement – Contracting Services invites this Expression of Interest for and on  
behalf of the NSW Government State Contracts Control Board**

## Expression of Interest (EOI) 0700024

### Wireless Broadband

### PART C - RESPONSE

EOI Issue Date: 29 January 2007

Closing Date: 28 February 2007

Your Company's Legal Name: <Insert Company name>

Your Company's Trading Name: <Insert Trading name>

Your Company's ABN number: <Insert ABN number>

Contact Name: <Insert name of Contract Administration  
Officer>

Contact Phone: <Insert telephone no>

**If submitting an electronic Response, please answer the following and indicate Yes or  
No below:**

- Are you providing supporting documents in hard copy or on CD-ROM?  
**Yes/No**
- Did you clearly mark the supporting documents as "Supporting Documents to EOI No 0700024"  
**Yes/No**

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## **FORM 1: PRIME CONTRACTOR PROFILE**

### **EXPRESSION OF INTEREST**

**EOI 0700024**

**THRESHOLD QUESTION: Statement Of Compliance With Tender Information And Process**

Do you acknowledge and represent that you have made yourself aware of the all requirements of this EOI and that you agree to be bound by the requirements, terms and conditions contained in this EOI?

Note: For a Response to be evaluated the Respondent must answer 'yes' to this question.

☐ Yes

☐ No

## 1. PRIME CONTRACTOR DETAILS

- 1.1 The Company Section provides a general assessment of your company's operation and history. It calls for a range of empirical financial indicators and corporate structure such as legal identity, operation history, financial position and organisation structure. These measures are used to generate key business indicators and may be supported with independent audits as and where deemed necessary in relation to the scope of the company capability, service/products required and the level of financial risk generated in the supply line that your services will have with our organisation.

Please write or type into this Response Form identification details of the legal identity that will enter into a contract.

<b>1.2 If Prime Contractor is a company: Registered Company Name:</b>	<b>1.3 ACN:</b>	<b>1.4 Registered Office:</b>
	<b>1.5 ABN:</b>	
<b>1.6 OR, if Prime Contractor is a partnership: Partnership Name:</b>		
<b>1.7 OR, if Prime Contractor is an individual: Individual's Name:</b>		
<b>1.8 Trading Name:</b>		
<b>1.9 Site Office (Principal Place of Business):</b>	<b>1.10 Postal Address (Principal Place of Business):</b>	

<b>1.11 Alternative Address</b>	<b>1.12 Contract Administration Person / Authorised to submit Response</b>
<b>1.13 Contract Administration Contact Telephone Number</b>	<b>1.14 Contract Administration E-Mail Address</b>
<b>1.15 Contract Administration Contact Fax Number</b>	<b>1.16 Chief Executive Officer's Name (CEO)</b>
<b>1.17 Switchboard Telephone Number</b>	<b>1.18 Company E-Mail Address</b>
<b>1.19 Website Address</b>	



---

**1.20 Respondent Background:**

1.20.1 Year of incorporation in Australia (if applicable):

--

1.20.2 Number of years in providing proposed Products and Services:

--

**1.21 Company Financial Information:**

1.21.1 Annual Australian turnover of your tendering organisation (2005/06 Financial Year):

A\$
-----

1.21.2 Annual Australian turnover of your tendering organisation (2004/05 Financial Year):

A\$
-----

1.21.3 Annual Australian turnover of your tendering organisation (2003/04 Financial Year):

A\$
-----

1.21.4 Annual turnover in Products and Services proposed:

A\$
-----

1.21.5 Annual operating profit per employee (2005/06 Financial Year):

A\$
-----

1.21.6 Annual operating profit per employee (2004/05 Financial Year):

A\$
-----

1.21.7 Annual operating profit per employee (2003/04 Financial Year):

A\$
-----

**1.22 Lines of Business:**

List all lines of business activities related to the legal entity who may be signing the Contract. Express as a percentage of the gross turnover of total annual turnover in Australia:

	Lines of Business	% of Gross Turnover

## 2. SUB-CONTRACTOR DETAILS

- 2.1 Will you be using any sub-contractors to undertake tasks?  
If **Yes**, please supply following details:

☐

	Company Name	Address	Relationship to Contractor	Proposed Role

## 3. PROMOTION AND ACCOUNT MANAGEMENT

- 3.1 Provide a brief summary of your marketing plan to indicate how you would intend to promote and manage your services to:
- a) Assist customers to use the services more effectively
  - b) Provide account management/ support to customers

--

#### **4. CAPACITY OR ABILITY TO PERFORM UNDER THE AGREEMENT (LOCAL SUPPORT)**

- 4.1 Please address your management and resources' capacity to perform under the Agreement and to provide local support for services in the service areas nominated. (Note that details of previous performance of similar agreements are sought below and should not be referred to here).

--

#### **5. EMPLOYEE DISTRIBUTION**

- 5.1 Provide details of employee numbers servicing the Australian market in the following areas of activity:

	Location	Management	Administration	Sales/Marketing	Technical	Maintenance /Support	Total
5.1.1	Australia						
5.1.2	Sydney metropolitan NSW						
5.1.3	Regional (non-Sydney metropolitan) NSW						

## 6. PROJECT EXPERIENCE

- 6.1 Provide a summary of up to five (5) implementation projects for each type of services of similar size and scope that your company has been involved in over the last three (3) years:

	Service	Name of Project	Value of Project	Duration	Name of Client	Contact Person (include name and title/position)	Telephone	Prime or Sub

## 7. REFERENCES

- 7.1 Provide a summary of at least three (3) long term contracts where similar services have been provided by your company. Projects should have been within Australia, and preferably include NSW clients.

**Important:** These references should be capable of verification by the Department of Commerce. You should make any necessary arrangements with referees prior to submitting your response. Simply providing a contact officer within your organisation is not acceptable and may result in elimination of your response.

	Service	Client	Project	Client Contact Person	Telephone

## 8. PROBITY

- 8.1 Would the awarding of this Contract give rise to any real or potential conflicts of interest which require disclosure? Yes/No ☐

- 8.2 If **Yes**, please give details:

--

## 9. QUALITY CERTIFICATION

### 9.1 Respondent Prime Contractor:

9.1.1 Do you have a Certified Quality system in place in your company?

Yes/No

5

If **No** to above, is your company currently in the process of obtaining quality certification?

9.1.2 Yes, in progress of obtaining full certification:

--	--

### 9.1.3 Selected elements only:

7

If Quality Certified or Quality Certification is in progress / planned but not commenced, provide contact details below for the Certifying Company:

9.1.4 Certifying Company Name: .....

9.1.5 Quality Certification Contact: .....

9.1.6 Telephone Number: .....

9.1.7 Fax Number:

9.1.8 If your company is not seeking formal Quality Certification, please describe what measures are in place within your company to ensure a high level of quality is achieved for work undertaken:

--

**9.2 Sub-Contractor:**

For each sub-contractor, provide following:

	<b>Name</b>	<b>Do they have a Quality System in place Yes /No/In Process of Obtaining</b>	<b>If No, do you have a Quality Methodology? Yes / No</b>

If a Quality Methodology is used, provide summary of methodology:

--	--





**FORM 2: COMPANY CAPABILITY, PRICING AND RELATED INFORMATION**

**WIRELESS BROADBAND**

**EXPRESSION OF INTEREST**

**EOI 0700024**

## 10. CODE OF PRACTICE FOR PROCUREMENT

		Yes	No
10.1	Have you read the NSW Government Code of Practice for Procurement and taken them into consideration and confirm your Response and ongoing services comply?		
10.1	Will you agree to maintain compliance with the Code for the purposes of the agreement, advise the Board of any breaches of the Code for the duration of the agreement and provide evidence of compliance when requested by the Board during the course of the agreement		

"Code" means the *NSW Government Code Of Practice For Procurement*, as amended from time to time. The NSW Government Procurement Policy and code are available from the NSW Department of Commerce and can be viewed and downloaded from Department of Commerce Government Procurement Publications

(<http://www.ogp.commerce.nsw.gov.au/Government+Procurement/Government+Procurement+Publications/Government+Procurement+Publications.htm>).

## 11. OCCUPATIONAL HEALTH SAFETY AND REHABILITATION

11.1 Do you currently comply with your Occupational Health Safety and Rehabilitation statutory obligations?

☐

11.2 If **Yes**, will you continue to do so for the duration of any agreement awarded?

☐

11.3 Does your organisation have documented accident/incident and hazard investigation reporting procedures in place?

☐

11.4 If **Yes**, provide details below

11.5 Do your sub-contractors currently comply with your Occupational Health Safety and Rehabilitation statutory obligations?

☐

11.6 Do your sub-contractors have documented accident/incident and hazard investigation reporting procedures in place?

☐

11.7 Provide an indication of the frequency of checks and method your company uses to confirm the responses to 11.5 and 11.6 above.

## 12. ENVIRONMENTAL MANAGEMENT

Environment Management System Guidelines are available from the NSW Department of Commerce and can be viewed and downloaded from Department of Commerce Government Procurement Publications. See

<http://www.dpws.nsw.gov.au/nr/rdonlyres/e7ff4llc5oil5l3lbjy2awxyfmwxonkmwd7impssc6lenbg6hjwszcan3kf5cw2rs3ihuo26p4h5eae6fov5eivxo2b/environmental+management.pdf>

12.1 Does your organisation agree to commit to these Guidelines? (Yes/No)

☐

If No, please explain the reason.

--	--

Please complete the following.

		Yes	No
12.1.1	Does your company have capability and commitment to waste management practices?		
12.1.2	Does your company have capability and commitment to energy conservation practices?		
12.1.3	Does your company have an Environmental Policy		

If your company has an Environmental Policy please attach.

		Comply	Not comply
12.1.4	All equipment and services supplied must meet all mandatory Australian standards at time of installation		

### 13. SUBSCRIPTION LEVELS

- 13.1 Respondents are to clearly identify their assumptions of the expected usage levels by retail, government and wholesale customers to support their business plan.

--

### 14. PRICING STRUCTURE

- 14.1 Respondents are requested to provide the expected range of subscription and fee-based rates of services to retail users and to wholesale service providers.

Customer	SERVICES	Charge Rate	Description
Retail	Eg Basic entry level	Nil	
	Eg Premium		
Wholesale			
Government			

## **15. BILLING CAPABILITY**

15.1 Respondents are to clearly indicate their options for billing premium services.

## **16. PROPOSED CONTRACT TERM**

16.1 Respondents are to indicate the contract terms that they would expect for the supply of network and services.



## **FORM 3: STATEMENT OF SERVICES, TECHNOLOGY AND CAPABILITY TO OFFER DELIVERABLES**

### **EXPRESSION OF INTEREST**

**EOI 0700024**

## 17. SCOPE AND BENEFITS

17.1 Please provide details about the:

- Overall scope of services offered.
- The particular technical benefits which might be obtained from use of the proposed capability offered
- The adequacy of your company capability to support the potential volume of services that might arise from this Agreement.
- Level of innovation demonstrated by the services proposed by your company.



## **18. ACCESS TO GOVERNMENT-OWNED INFRASTRUCTURE**

- 18.1 Respondents are invited to identify the extent of potential use of government-owned infrastructure required such as buildings, towers, bridges, tunnels and poles. Details such as type of access, space and power requirements, commercial fees and conditions and any other assumptions used in their proposed solution are to be clearly identified.

- 18.2 Respondents are invited to identify the assumptions made regarding the availability of government-owned infrastructure and the terms of such availability. The availability of such infrastructure is expected to depend on solutions proposed, commercial arrangements, including pricing, and maintenance arrangements.

## **19. GOVERNMENT USE OF WIRELESS BROADBAND SERVICES**

- 19.1 The NSW Government may facilitate negotiations between the successful respondents and government agencies to identify ways in which government use of the initiative can support the commercial feasibility for provision of services and support the uptake of wireless broadband. Respondents are invited to comment on this facilitation role within the context of their proposed solution.

- 19.2 Respondents are encouraged to propose innovative applications of wireless broadband access implementation for government agencies use or trial and are invited to clearly identify the level of Government commitment factored into the assumptions underlying the proposed solutions. The NSW Government respects the intellectual property inherent in such ideas and is willing to sign Confidentiality Declarations to protect such rights.

## 20. IMPLEMENTATION APPROACH

- 20.1 The NSW Government has also identified a need to connect private sector businesses with an existing or potential client base that may want to gain access to this initiative with the appropriate service provider(s). International examples have shown that not-for-profit organisations can fulfil this role. Respondents are asked to provide details on how they see this role best filled in order to support and encourage business growth, extend service coverage and facilitate universal accessibility.

- 20.2 The Government would encourage implementation pilots or trials in selected locations ahead of full implementation. Respondents are invited to provide details of the implementation plan of their proposed solution clearly identifying project phases, outcomes and timeline.

## 21. SERVICE OBJECTIVES

- 21.1 The initiative to extend Wireless Broadband in NSW cities seeks to provide competitive and innovative coverage in defined areas of our cities with a free-to-user option as an entry-level service. It is envisaged that a range of premium services would also be available to facilitate upgrade paths to meet user demand growth. Respondents are to briefly outline the range of services proposed in their solution.

- 21.2 International tourists and business travellers have come to expect a low or nil setup cost wireless broadband solution provided through the ability of existing WiFi enabled laptops and devices to log onto wireless networks that are made available for such purposes. Currently, the focus is on WiFi. Respondents are invited to address how their proposed solutions give consideration to the ease-of-use, availability and low cost of end-user equipment required to access services and what role emerging technologies, including WiMax, might play in the future.

- 21.3 Services and management systems are required to support the Internet Protocol (IP) with an acceptable level of service provisioning, service assurance, customer network management and customer support. Respondents are to outline their capability to meet the stated objective.

21.4 The NSW Government is seeking interested parties to build, own, operate and maintain their own wireless broadband network. Respondents are to detail their capability to provide the services listed but not limited to:

- a) Customer support services;
- b) Management services, including management of service levels and faults;
- c) Network design and build;
- d) Network maintenance and upgrade;
- e) Services marketing and promotion; and
- f) Billing and account services (as applicable).

21.5 As the demand for wireless broadband services grows, the network needs to evolve to meet the new demands. Respondents are invited to provide details of network and systems upgrade plans to maintain the service delivery objectives stated giving details of their assumptions and calculations of service demand and network capacity.

## **22. SERVICE COVERAGE**

- 22.1 Ideally, coverage would be council-wide however commercial practicalities and technology limitations have lead to the prioritisation of the areas targeted as outlined below.
- 22.2 The initial areas targeted for coverage include, as a minimum, Sydney, North Sydney and cities identified in the NSW Metropolitan Strategy as emerging commercial hubs, namely, Gosford, Liverpool, Newcastle, Parramatta, Penrith and Wollongong.
- 22.3 Within those council areas, the areas for priority attention are indicated on the maps provided, with the CBD areas the main priority.
- 22.4 Another key area identified as a key coverage target are the rail corridors and respondents are invited to consider extension of the initiative to the rail corridors of the cities identified and any others proposed by the respondents.
- 22.5 Respondents may submit solutions that cover one or more or all of the targeted areas identified. Respondents are invited to provide a brief outline of the reasons for the exclusion of any area to enable facilitation of future planning.
- 22.6 The NSW Government welcomes and encourages respondents to consider extending the initiative to other cities and other areas.

<b>Location</b>	<b>Provide CBD Coverage</b> <b>Yes/No</b> <i>(refer maps provided)</i>	<b>Provide Identified Key Area Coverage</b> <b>Yes/No</b> <i>(refer maps provided)</i>	<b>Provide Other Proposed Coverage</b> <b>Yes/No</b> <i>(respondent to provide maps)</i>	<b>Comments (re inclusion or exclusion)</b>
Sydney				
North Sydney				
Gosford				
Liverpool				
Newcastle				
Parramatta				
Penrith				
Wollongong				
Other (please specify):				
Other (please specify):				
Other (please specify):				
Other (please specify):				

- 22.7 The network is preferred to have extensive indoor and outdoor coverage in the identified locations. Respondents are invited to provide details of boundaries and restrictions to indoor and outdoor coverage areas.

- 22.8 Where a phased approach is taken in increasing coverage, respondents are asked to clearly identify initial coverage areas and planned coverage areas in 12, 24 and 36 months from the time of their response to the EOI.



## 23. SERVICES AND SUPPORT

- 23.1 Basic services providing wireless broadband access would ideally be available free of charge to the user, and may be commercially supported through some level of advertising or other sponsorship. Respondents are to clearly identify the nature of advertising or other commercial support, access speeds and download limits and any other conditions, restrictions, impact on users, commercial arrangements and assumptions that may underpin their proposed solution. Respondents are encouraged to submit innovative alternatives and options that would ensure the sustainability of this basic service.

- 23.2 Premium services may be provided in addition to the basic services and these may include a variety of features such as higher-speed access, advertisement-free, tiered technical support and traffic prioritisation. Respondents are invited to provide details of the access speeds and download limits and all other features of the proposed services.

- 23.3 Respondents are to clearly identify the type of support services available for all services, including basic and premium services.

- 23.4 All services, including basic services, are to request users to register for the service and agree to a set of terms and conditions of use. Respondents are invited to describe how their solution addresses the registration process and the terms and conditions that are necessary.

- 23.5 All services, including basic services, will comply with all relevant legal and regulatory requirements for Internet Service Providers. Respondents are invited to provide details on how their solution addresses these requirements.

## 24. NETWORK AND TECHNOLOGY

- 24.1 **Client devices.** International case studies indicate that WiFi appears to be the technology of choice for the delivery of services mentioned. This is seen to be of strategic value considering the widespread availability of WiFi enabled client devices and the low setup cost of WiFi laptop cards. It is also known that WiMax is emerging as a complementary technology and that future client devices will be both WiFi and WiMax enabled. Respondents are to clearly identify the client devices able to access the services giving details of technology, availability and costs.

- 24.2 **Technology, capability and capacity.** Respondents are invited to provide details of the proposed technology that would be used in their solution clearly addressing the differentiating features of their solution including capability, capacity and planned upgrades over the next 3 years.

- 24.3 **Connectivity type.** Respondents are invited to provide details of their solution's capability to support the following types of wireless broadband connectivity: fixed (stationary subscriber at a single location); nomadic (stationary subscriber at a variety of locations); and portable (in-motion subscriber at a variety of locations).

- 24.4 **Open access regime.** The NSW Government wishes to encourage competition and equity of access and invites respondents to identify how their solution adheres to an open access regime by detailing arrangements of possible access by other service providers on a retail and wholesale basis.

- 24.5 **Standards-based technologies.** The network is expected to use standards-based technologies to enable users to connect via widely available devices such as Notebook PCs and PDAs with in-built wireless capabilities. Respondents are asked to detail the standards that their solutions adhere to.

- 24.6 **Supported applications.** The network is expected to allow users access to send emails and browse the Internet as a minimum as part of the provision of basic services. Other applications to be considered by respondents as either part of the free or premium service offerings may include Virtual Private Network (VPN) tunnelling, Instant Messaging, Voice-Over-IP (VoIP) and Video Conferencing. Respondents are to clearly identify the applications supported by their solution.

- 24.7 **Logical segmentation.** The network shall support the logical segmentation of users into different domains, including, but not limited to, definition and management of different profiles for authentication, encryption and other service characteristics based on requirements for different user groups. Respondents are invited to describe how their solutions address logical segmentation.

- 24.8 **Traffic prioritisation.** Respondents are to identify how their solution addresses traffic prioritisation.

- 24.9 **Quality of service.** Respondents are to identify how their solution can provide different levels and quality of service, security and other characteristics for multiple domains over a single physical network.

- 24.10 **Roaming agreements.** It is expected that roaming agreements would be setup between the Network Operator and other Service Providers to allow subscribers of all participants to gain access to the network using the same credentials.

24.11 **Security and filtering.** The network is to include appropriate security measures, both physical and logical, to prevent and mitigate risk of attacks. The network is also to include appropriate levels of filtering for viruses and other malicious programs. Respondents are to identify the multi-layered security capabilities of their solution.

24.12 **Privacy.** Respondents are invited to submit information on the privacy policies of their proposed solution.

24.13 **Architecture and design.** Respondents are to provide a technical architecture of how the network would be deployed addressing backhaul, roaming, standards-based technologies, security standards, and congestion and delay minimisation measures.

- 24.14 **Spectrum.** Respondents are to provide details of the use of spectrum (licensed or unlicensed) available to them to deploy the network. Providers are responsible to meet any costs associated with the use of the spectrum proposed. Respondents are to detail how their proposed solution addresses the potential congestion associated with the use of unlicensed spectrum, where applicable.

- 24.15 **Wireless network equipment.** Respondents are to provide details of the wireless network equipment deployed and proposed to be deployed to support the network and services outlined. In particular, the space and electricity requirements associated with the equipment are to be clearly identified. Respondents are responsible for meeting any costs associated with the acquisition, installation, provision and maintenance of the equipment.

- 24.16 **Operating hours.** The network is to be operated and supported 24 hour a day, seven days a week. Respondents are to state how their solution meets this requirement.

24.17 **Reliability.** The network is expected to mitigate or eliminate single points of failure and ensure high network reliability. Respondents are to detail what reliability targets can be achieved and how this is maintained.

24.18 **Scalability and technology upgrade.** The network is to be easily scaled and upgraded to support additional users, applications and requirements. Respondents are to detail how their proposed solution meets these needs.

24.19 **Network maintenance.** Respondents are to outline a network maintenance plan.



24.20 **Health and Safety.** Respondents are to outline their approach to deal with any relevant health and safety issues arising from the service.

## **25. INNOVATION**

25.1 Respondents are invited to submit further information on any innovative proposals which might complement their Response, particularly in, but not limited to, such areas as:

- Delivery methodology;
- Access technologies;
- Pricing models;
- Information systems;
- Service quality monitoring or management.

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## FORM 5: ACKNOWLEDGEMENT AND CONFIRMATION OF RESPONSE

Note to Respondents: When submitting a hard copy Response, execute this page at clause 3.

1. Lodgement of a Response will itself be an acknowledgment and representation by you that you are aware of the requirements of the Code; that you will comply with the Code; and that you agree to report to the Board any breaches of the Code for the duration of the agreement.
2. I affirm that this is my Response to supply the Deliverables sought in the EOI and in accordance with the conditions of the EOI, except as expressly amended in my Response, and that the information given in my Response is correct.
3. I affirm that this is my Response which will form part of my agreement if I am invited to supply any of the Deliverables:

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Signature of Respondent

OR

\_\_\_\_\_  
Signature of authorised officer of Respondent

OR

\_\_\_\_\_  
Signature of partner completing Response on behalf of partnership

\_\_\_\_\_  
Print Name and Title



**NSW Procurement - Contracting Services is a Business Unit of the NSW  
Department of Commerce**

**NSW Procurement - Contracting Services invites this Expression of Interest for and on  
behalf of the NSW Government State Contracts Control Board**

**Expression of Interest (EOI) 0700024**

**Wireless Broadband**

**PART D - BUSINESS AND TECHNICAL  
REQUIREMENTS**

**EOI Issue Date: 29 January 2007**

**Closing Date: 28 February 2007**

## **1. INTRODUCTION**

- 1.1 The New South Wales (NSW) Government, through the State Contracts Control Board, is seeking Expressions of Interest (EOI) to extend Wireless Broadband coverage and services in NSW, including the provision of free Wireless Broadband services.
- 1.2 Initially, the areas targeted are Sydney City and North Sydney, and those cities identified in the NSW Metropolitan Strategy as emerging commercial hubs - Gosford, Liverpool, Newcastle, Parramatta, Penrith and Wollongong. The NSW Government would, however, also welcome and encourage respondents to consider extending the initiative to other cities and other areas.
- 1.3 The NSW Government Statement on Innovation seeks to enhance industry innovation as a means of improving productivity and increasing business investment. One of five goals to achieve this is the upgrade of knowledge and information infrastructure. Improving wireless broadband infrastructure is an important component of that goal.
- 1.4 The Statement on Innovation is integral to the Open for Business component of the NSW State Plan, which seeks to grow prosperity for all NSW citizens by encouraging business investment and investing in infrastructure.
- 1.5 The Government is aware that tourists and business visitors are becoming more demanding and are accustomed to the extent of wireless accessibility available in many parts of the US and Europe, which enables them to access travel information and booking and reservation sites and to send and receive email.
- 1.6 The NSW Government believes that the citizens of NSW also deserve easy access to state-of-the-art high-speed wireless broadband.
- 1.7 As one of the world's great cities, Sydney in particular should enjoy the fastest and most available broadband access available anywhere. Such facility will provide NSW citizens with direct access to global information flows, supporting innovation across the economy.
- 1.8 Sydney has been a centre of innovation in wireless technology. It is home to the research teams at CSIRO and Macquarie University that developed key aspects of the WiFi technology. Sydney has also become a world leading test-bed for new wireless technologies building upon some of the first implementations of wide-area broadband technologies. This EOI will provide an opportunity to pilot initiatives that build on these developments and ensure that Sydney remains a leading global centre for innovation in the deployment and use of wireless broadband technologies and their applications.
- 1.9 The NSW Government is seeking interested parties to build, own, operate and maintain their own wireless broadband network(s).
- 1.10 The NSW Government, working in partnership with local government and utility companies, will seek to support the initiative by facilitating access to government-owned infrastructure.
- 1.11 It is expected that respondents will be able to offer a free community level service with the option of adding a range of commercial level user pays premium services. The Government acknowledges that some restrictions may apply to the community level service and expects that these will be clearly identified.

- 1.12 This EOI is aimed at complementing, not substituting nor competing with, the activities of private companies and through this EOI, the Government is seeking to identify the best role it can play in supporting and encouraging this initiative.
- 1.13 The Government acknowledges that there could be intellectual property inherent in the solutions submitted and is willing to sign Confidentiality Declarations to protect such rights.

## **2. OBJECTIVES**

- 2.1 The EOI seeks information from providers interested in working with the NSW Government and local councils to make universal wireless broadband access a reality within defined areas of the cities identified above and in other areas wherever it is possible to do so.
- 2.2 The EOI seeks to investigate the viability of supplying innovative wireless broadband solutions that will encourage economic development and business attraction for our cities. The provision of both a free community level basic service for the occasional or transient low volume user, such as tourists or small business operators, as well as a commercial level high speed premium service option that will enable medium and large business as well as government users to transact whilst out of the traditional fixed office environment.
- 2.3 The Government is aware that, based on international case studies, a free-to-user service offering can be provided through innovative alternative commercial models. The Government's aim is to encourage and support investigations of the viability of such models for NSW.
- 2.4 It is expected that the introduction of an innovative model for wireless broadband services delivery will stimulate competition in the overall broadband services market. The provision of an accessible free-to-user service is expected to expand current interest in broadband and stimulate broadband use generally including the uptake of premium services.
- 2.5 It is also expected that the service will stimulate greater use of wireless services for a variety of new applications and content services. These may include location-based services, business transaction services, tourism services, and community and government information. These applications and services will in turn stimulate innovation for local companies and developers.

## **3. CONTEXT**

- 3.1 Broadband has quickly established itself as an important measure of a community's wellbeing.
- 3.2 Access to information is an important feature of modern societies and the Internet is becoming an increasingly important means of accessing information and for paying bills, sending letters and sharing memories. Access to the Internet is therefore an important measure of a society's fairness and access to the Internet is increasingly judged by access to broadband technology.
- 3.3 Access to quality broadband services also delivers competitive advantage to economies generally and the extent to which business uses broadband is itself an important measure of business competitiveness.
- 3.4 For these reasons, quality access to broadband is important to the Government, the community and the business sector.

- 3.5 For its part, the NSW Government has been active in expanding access to broadband throughout the State by the introduction of the Government Broadband Service.
- 3.6 The NSW Government now wishes to target improvements in wireless access to broadband for cities in NSW.
- 3.7 The Government is aware that there are various service providers already supplying a number of individual wireless broadband hotspots either on a commercial basis or for free as a means of attracting clientele (eg PubNet) or as a service to customers (eg the State Library).
- 3.8 The Government is also aware that there are various service providers already supplying subscription based wireless services in Sydney and other locations in NSW.
- 3.9 The NSW Government wishes to explore opportunities for innovative approaches to the provision of wireless services to complement existing wireless broadband service availability, extend coverage, stimulate broadband use and encourage investment in the infrastructure of our cities.

#### **4. INTENT OF THE EOI**

- 4.1 Expressions of Interest are invited for submission of innovative solutions that provide free-to-user wireless broadband as an option for the general public, tourists, small businesses and business travellers, as well as premium services for out-of-office users from private enterprise and Government agencies.
- 4.2 The Government wishes to contribute support through the facilitation of access to government owned infrastructure through a partnership between State and Local Governments on this innovative initiative for NSW.
- 4.3 It is envisaged that government may be able to provide access to government buildings, water tanks and towers, parking ramps, street and traffic lights as well as other government-owned facilities. The NSW Government will work with its own agencies including the Roads and Traffic Authority and transport agencies, with local government and with utility companies to facilitate this access and negotiate appropriate commercial arrangements.
- 4.4 The EOI is seeking to identify the extent to which respondents will require access to government infrastructure, the type of access required and the terms and commercial conditions that are necessary to make this initiative a reality.
- 4.5 The initial focus is on Sydney and North Sydney and those cities in NSW that have been identified as emerging commercial hubs in the NSW Metropolitan Strategy, namely, Gosford, Liverpool, Newcastle, Parramatta, Penrith and Wollongong. Consideration will be given to extending the initiative to encompass additional locations proposed by respondents. Ideally council wide coverage is desired. However, it is acknowledged that there may be practical and technology limitations and accordingly, areas for priority coverage have been identified.
- 4.6 The EOI seeks information on the commercial conditions of the respondents' proposed solutions that are necessary to achieve a balance between usability, on behalf of the user, and viability, on behalf of the provider. Details are to be clearly outlined regarding the nature of any advertising support, service access speed and download limits and any other conditions, commercial arrangements and assumptions that may underpin the proposed solution to make it both usable and viable.

- 4.7 It is anticipated that government will make increasing use of wireless broadband systems for its own purposes, the range and type of which are already under investigation. To provide commercial support to the initiative, government may be prepared to purchase access to the anticipated service(s). Agencies already use or are interested in using such systems for emergency services dispatch and messaging, sending and receiving images and video from emergency services officers in the field, filing reports electronically from site inspections, tracking and providing real-time information on the location of buses and trains and providing access to resources for students and other researchers.
- 4.8 Proposals to pilot applications for government will be considered and there is an expectation that the level of government commitment factored into any assumptions underlying the proposed solutions is clearly identified.

## **5. SIMILAR INITIATIVES**

- 5.1 Internationally, the concept of free wireless broadband access is established however, it is not widely implemented in the Australian context. Nonetheless, the NSW Government has implemented some wireless hotspots in areas such as the State Library.
- 5.2 Below are some examples of the many models used throughout the world. The NSW Government does not have a preference for any particular solution.

### **5.3 International Wireless Broadband Initiatives**

- a) Some overseas initiatives employ public-private partnerships whilst others have established not-for-profit organisations to perform the same function.
- b) Many of these initiatives provide tiered services ranging from free low-speed low-volume access over WiFi infrastructure, some of which are supported through advertising, through to fee-based higher speed access with premium options including being ad-free, delivering increased download allowances and offering technical support.
- c) International cities offering, or in the process of being able to offer, universal WiFi include New Orleans, San Francisco, Philadelphia, Tempe Arizona, Chicago, Dayton Ohio, Cambridge Massachusetts, Madison Wisconsin, Toronto, Niue, Taipei, Prague, Paris, London, Manchester, Edinburgh and Cambridge.
- d) The city of San Francisco intends to provide free WiFi Internet service covering the entire city through a joint venture between Google and Earthlink under the auspices of the city government.
- e) The Wireless Philadelphia initiative has been setup as a public/private partnership providing tiered services, ranging from the free conditional access to discount rates for the digital-divide disadvantaged through to retail rates.
- f) Wireless Toronto is a not-for-profit group dedicated to bringing no-fee wireless Internet access to Toronto with the aim to encourage the growth of wireless networking and to build community in interesting and innovative ways.
- g) In Portland, Microsoft has announced that it will partner with MetroFi to build a free wireless Internet service for Oregon's largest city, commercially supported by advertising.
- h) Paris is establishing over 400 free WiFi hotspots at Metro and other strategically located public property.



- i) United Kingdom has several metropolitan networks being built to provide blanket wireless coverage in cities such as City of London, Manchester, Edinburgh, Birmingham, Cambridge and Nottingham, through WiFi equipment fitted on lamp posts and street signs. People who want to use the wireless network will pay one of the ISPs for access, and revenues will be split between provider, the local council and the ISPs. The two main providers are The Cloud and BT Openzone.

#### **5.4 Australian Wireless Broadband Initiatives**

- a) The CityLan joint initiative between the Adelaide City Council and Internode, an Adelaide-based ISP, supported by the SA Government has recently announced further plans to expand the free wireless coverage to 140 metropolitan locations by June 2007 from an existing coverage of 40 hotspots.
- b) A limited number of free wireless broadband services are available in metropolitan areas of NSW through various government and private organisations including the State Library, the Sydney Harbour Foreshore Authority, Public Networks Australia and others. Each initiative has its own terms and conditions and registration processes which are detailed on their individual websites.

### **6. PROPOSED MODEL**

- 6.1 The unavailability of free wireless broadband services has been identified internationally as an issue that municipalities should address through various delivery models, government involvement, funding strategies and commercial setups. The two main alternatives to direct user payment are either advertising support or commercial sponsorship of services that may be limited in access speed and download quota.
- 6.2 The NSW Government envisages that government may contribute and support the viability of this initiative through facilitation of access to government-owned infrastructure.
  - a) Respondents are invited to identify the extent of potential use of government-owned infrastructure required such as buildings, towers, bridges, tunnels and poles. Details such as type of access, space and power requirements, commercial fees and conditions and any other assumptions used in their proposed solution are to be clearly identified.
  - b) Respondents should note that the NSW Government is willing to facilitate negotiations between asset owners and the respondent for the use of and access to such infrastructure as part of government's contribution to the viability of this initiative.
  - c) The NSW Government cannot warrant at this time that such infrastructure will be available for any purpose envisaged by respondents. However, respondents are invited to identify the assumptions made regarding the availability of infrastructure and the terms of such availability. The availability of such infrastructure is expected to depend on:
    - i. Solutions proposed;
    - ii. Commercial arrangements, including pricing; and
    - iii. Maintenance arrangements.
  - d) The use of state-owned infrastructure for NSW Government or other purposes is subject to compliance with relevant Commonwealth and NSW legislation and regulation. Similar requirements apply to local government infrastructure.

- 6.3 The Government envisages that there will be some opportunity for government use of the wireless broadband services.
- a) The NSW Government may facilitate negotiations between the successful respondents and government agencies to identify ways in which government use of the initiative can support the commercial feasibility for provision of services and support the uptake of wireless broadband. Respondents are invited to comment on this facilitation role within the context of their proposed solution.
  - b) Respondents are encouraged to propose innovative applications of wireless broadband access implementation for government agencies use or trial and are invited to clearly identify the level of Government commitment factored into the assumptions underlying the proposed solutions. The NSW Government respects the intellectual property inherent in such ideas and is willing to sign Confidentiality Declarations to protect such rights.
- 6.4 The NSW Government has also identified a need to connect private sector businesses with an existing or potential client base that may want to gain access to this initiative with the appropriate service provider(s). International examples have shown that not-for-profit organisations can fulfil this role. Respondents are asked to provide details on how they see this role best filled in order to support and encourage business growth, extend service coverage and facilitate universal accessibility.
- 6.5 The Government would encourage implementation pilots or trials in selected locations ahead of full implementation. Respondents are invited to provide details of the implementation plan of their proposed solution clearly identifying project phases and timeline.

## **7. SCOPE OF SERVICES**

### **7.1 Service Objectives**

- a) The initiative to extend Wireless Broadband in NSW cities seeks to provide competitive and innovative coverage in defined areas of our cities with a free-to-user option as an entry-level service. It is envisaged that a range of premium services would also be available to facilitate upgrade paths to meet user demand growth. Respondents are to briefly outline the range of services proposed in their solution.
- b) International tourists and business travellers have come to expect a low or nil setup cost wireless broadband solution provided through the ability of existing WiFi enabled laptops and devices to log onto wireless networks that are made available for such purposes. Currently, the focus is on WiFi. Respondents are invited to address how their proposed solutions give consideration to the ease-of-use, availability and low cost of end-user equipment required to access services and what role emerging technologies, including WiMax, might play in the future.
- c) Services and management systems are required to support the Internet Protocol (IP) with an acceptable level of service provisioning, service assurance, customer network management and customer support. Respondents are to outline their capability to meet the stated objective.
- d) The NSW Government is seeking interested parties to build, own, operate and maintain their own wireless broadband network. Respondents are to detail their capability to provide the services listed but not limited to:
  - i. Customer support services;

- ii. Management services, including management of service levels and faults;
  - iii. Network design and build;
  - iv. Network maintenance and upgrade;
  - v. Services marketing and promotion; and
  - vi. Billing and account services (as applicable).
- e) As the demand for wireless broadband services grows, the network needs to evolve to meet the new demands. Respondents are invited to provide details of network and systems upgrade plans to maintain the service delivery objectives stated giving details of their assumptions and calculations of service demand and network capacity.

## **7.2 Service Coverage**

- a) Ideally, coverage would be council-wide however commercial practicalities and technology limitations have lead to the prioritisation of the areas targeted as outlined below.
- b) The initial areas targeted for coverage include, as a minimum, Sydney, North Sydney and cities identified in the NSW Metropolitan Strategy as emerging commercial hubs, namely, Gosford, Liverpool, Newcastle, Parramatta, Penrith and Wollongong.
- c) Within those council areas, the areas for priority attention are indicated on the maps provided, with the CBD areas the main priority.
- d) Another key area identified as a key coverage target are the rail corridors and respondents are invited to consider extension of the initiative to the rail corridors of the cities identified and any others proposed by the respondents.
- e) Respondents may submit solutions that cover one or more or all of the targeted areas identified. Respondents are invited to provide a brief outline of the reasons for the exclusion of any area to enable facilitation of future planning.
- f) The NSW Government welcomes and encourages respondents to consider extending the initiative to other cities and other areas.
- g) The network is preferred to have extensive indoor and outdoor coverage in the identified locations. Respondents are invited to provide details of boundaries and restrictions to indoor and outdoor coverage areas.
- h) Where a phased approach is taken in increasing coverage, respondents are asked to clearly identify initial coverage areas and planned coverage areas in 12, 24 and 36 months from the time of their response to the EOI.

## **7.3 Services and support**

- a) The NSW Government envisages that services would be provided on a tiered approach from community level basic free-to-user low-volume low-speed potentially ad-supported services to commercial level higher-volume higher-speed fee-based services.

- b) Basic services providing wireless broadband access would ideally be available free of charge to the user, and may be commercially supported through some level of advertising or other sponsorship. Respondents are to clearly identify the nature of advertising or other commercial support, access speeds and download limits and any other conditions, restrictions, impact on users, commercial arrangements and assumptions that may underpin their proposed solution.
- c) Respondents are encouraged to submit innovative alternatives and options that would ensure the sustainability of this basic service.
- d) Premium services may be provided in addition to the basic services and these may include a variety of features such as higher-speed access, advertisement-free, tiered technical support and traffic prioritisation. Respondents are invited to provide details of the access speeds and download limits and all other features of the proposed services.
- e) Support for Basic Services should, at a minimum, cover issues such as connectivity problems and service interruptions/degradation. Respondents are to identify support available for basic services.
- f) Support for Premium Services may cover a comprehensive range of support issues and may be tiered dependent on the structure of the premium services offered as well as service delivery structure, whether retail direct to users or wholesale to other service providers. Respondents are to identify the support available for premium services.
- g) All services, including basic services, are to request users to register for the service and agree to a set of terms and conditions of use. Respondents are invited to describe how their solution addresses the registration process and the terms and conditions that are necessary.
- h) All services, including basic services, will comply with all relevant legal and regulatory requirements for Internet Service Providers. Respondents are invited to provide details on how their solution addresses these requirements.

#### **7.4 Network and technology**

##### **a) Client devices**

The international case studies mentioned earlier indicate that WiFi appears to be the technology of choice for the delivery of services mentioned. This is seen to be of strategic value considering the widespread availability of WiFi enabled client devices and the low setup cost of WiFi laptop cards. It is also known that WiMax is emerging as a complementary technology and that future client devices will be both WiFi and WiMax enabled. Respondents are to clearly identify the client devices able to access the services giving details of technology, availability and costs.

##### **b) Technology, capability and capacity**

Respondents are invited to provide details of the proposed technology that would be used in their solution clearly addressing the differentiating features of their solution including capability, capacity and planned upgrades over the next 3 years.

c) Connectivity type

Respondents are invited to provide details of their solution's capability to support the following types of wireless broadband connectivity:

- vii. Fixed (stationary subscriber at a single location);
- viii. Nomadic (stationary subscriber at a variety of locations); and
- ix. Portable (in-motion subscriber at a variety of locations).

d) Open access regime

The NSW Government wishes to encourage competition and equity of access and invites respondents to identify how their solution adheres to an open access regime by detailing arrangements of possible access by other service providers on a retail and wholesale basis.

e) Standards-based technologies

The network is expected to use standards-based technologies to enable users to connect via widely available devices such as Notebook PCs and PDAs with in-built wireless capabilities. Respondents are asked to detail the standards that their solutions adhere to.

f) Supported applications

The network is expected to allow users access to send emails and browse the Internet as a minimum as part of the provision of basic services. Other applications to be considered by respondents as either part of the free or premium service offerings may include Virtual Private Network (VPN) tunnelling, Instant Messaging, Voice-Over-IP (VoIP) and Video Conferencing. Respondents are to clearly identify the applications supported by their solution.

g) Logical segmentation

The network shall support the logical segmentation of users into different domains, including, but not limited to, definition and management of different profiles for authentication, encryption and other service characteristics based on requirements for different user groups. Respondents are invited to describe how their solutions address logical segmentation.

h) Traffic prioritisation

Respondents are to identify how their solution addresses traffic prioritisation.

i) Quality of service

Respondents are to identify how their solution can provide different levels and quality of service, security and other characteristics for multiple domains over a single physical network.

j) Roaming agreements

It is expected that roaming agreements would be setup between the Network Operator and other Service Providers to allow subscribers of all participants to gain access to the network using the same credentials.

k) Security and filtering

The network is to include appropriate security measures, both physical and logical, to prevent and mitigate risk of attacks. The network is also to include appropriate levels of filtering for viruses and other malicious programs. Respondents are to identify the multi-layered security capabilities of their solution.

l) Privacy

Respondents are invited to submit information on the privacy policies of their proposed solution.

m) Architecture and design

Respondents are to provide a technical architecture of how the network would be deployed addressing backhaul, roaming, standards-based technologies, security standards, and congestion and delay minimisation measures.

n) Spectrum

Respondents are to provide details of the use of spectrum (licensed or unlicensed) available to them to deploy the network. Providers are responsible to meet any costs associated with the use of the spectrum proposed. Respondents are to detail how their proposed solution addresses the potential congestion associated with the use of unlicensed spectrum, where applicable.

o) Wireless network equipment

Respondents are to provide details of the wireless network equipment deployed and proposed to be deployed to support the network and services outlined. In particular, the space and electricity requirements associated with the equipment are to be clearly identified. Respondents are responsible for meeting any costs associated with the acquisition, installation, provision and maintenance of the equipment.

p) Operating hours

The network is to be operated and supported 24 hour a day, seven days a week. Respondents are to state how their solution meets this requirement.

q) Reliability

The network is expected to mitigate or eliminate single points of failure and ensure high network reliability. Respondents are to detail what reliability targets can be achieved and how this is maintained.

r) Scalability and technology upgrade

The network is to be easily scaled and upgraded to support additional users, applications and requirements. Respondents are to detail how their proposed solution meets these needs.

s) Network maintenance

Respondents are to outline a network maintenance plan.

t) **Health and Safety**

Respondents are to outline their approach to deal with any relevant health and safety issues arising from the service.

**7.5 Subscription Levels**

Respondents are to clearly identify their assumptions of the expected usage levels by retail, government and wholesale customers to support their business plan.

**7.6 Pricing Structure**

Respondents to this Expression of Interest are requested to provide the expected range of subscription and fee-based rates of services to retail users and to wholesale service providers.

**7.7 Billing Capability**

Respondents are to clearly indicate their options for billing premium services.

**7.8 Contract Term**

Respondents are to indicate the contract terms that they would expect for the supply of network and services.