



**Education**

## **EXPRESSION OF INTEREST**

### **PART A – EOI CONDITIONS**

**EOI NAME – Online Learning Tools Panel**

**EOI NUMBER – DoE2093411925**

**Issue Date: Monday 23 November 2020**

**Closing Date and Time: Friday 18 December 2020 at 10:00am**

**EOI STRUCTURE****PART A**                      EOI CONDITIONS**PART B**                      REQUIREMENTS AND RESPONSE

This is made up of 3 parts:

- REQUIREMENTS AND RESPONSE (GENERAL)
- REQUIREMENTS AND RESPONSE (TOOL-SPECIFIC)
- PRICING RESPONSE

**ATTACHMENT**                      Contract Management Plan (CMP) template**NOTICE**

No contractual or legal obligations arise from this EOI.

This EOI document has been prepared by the Department and is protected by copyright. This EOI document may only be used by the respondent with respect to this EOI.

Specific inquiries about this EOI should be directed to the Contact Support Office.

Other inquiries or issues are to be directed to:

Chief Procurement Officer  
Procurement Solutions Directorate  
NSW Department of Education  
105 Phillip Street  
Parramatta NSW 2150

## 1 – EOI DESCRIPTION, KEY DATES AND DETAILS

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### TYPE AND DESCRIPTION

|    |             |  |
|----|-------------|--|
| 1. | Description | <p>The Department seeks expressions of interest for the provision of a panel of Online Learning Tools for use in NSW Public Schools from Kindergarten to Year 12 (K-12) settings. The Department is seeking resources with Syllabus links across the following key learning areas:</p> <ul style="list-style-type: none"> <li>- Creative Arts</li> <li>- English</li> <li>- HSIE</li> <li>- Languages</li> <li>- Mathematics</li> <li>- PDHPE</li> <li>- Science</li> <li>- TAS</li> <li>- STEM</li> </ul> |
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### KEY DATES

|    |   |                            |
|----|---|----------------------------|
| 2. | Issue date  | 23/11/2020                 |
| 3. | Closing Time and Date                                       | 18/12/2020 at 10:00am AEST |
| 4. | Respondent briefing date, time and location (if applicable) | TBC                        |
| 5. | Expected date for supply of Deliverables (if applicable)    | 15/02/2021                 |

### OTHER DETAILS

|    |   |   |
|----|---|---|
| 6. | <p>Contact support office</p> <p>General Queries:</p> <p>eTendering system queries:</p> | <p>NSW Department of Education<br/>105 Phillip Street Parramatta NSW 2150</p> <p>IT Procurement Category Team<br/>ITTenders@det.nsw.edu.au  </p> <p>email: <a href="mailto:nswbuy@treasury.nsw.gov.au">nswbuy@treasury.nsw.gov.au</a><br/>phone: 1800 NSW BUY 1800 679 289<br/>(International + 61 2 9372 8333)</p> |
|----|---|---|

**Expression of Interest – Online Learning Tools Panel**  
**Part A – EOI Conditions**

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|----|-------------------------------------|---|
| 7. | EOI validity period (if applicable) | 12 months from the Closing Time and Date  |
| 8. | Response format (if applicable)     | <p>As part of its EOI Response, the Respondent should complete the Requirements and Response documents (<b>Part B</b>), comprising of:</p> <ol style="list-style-type: none"> <li>1. the Requirements and Response (General)</li> <li>2. the Requirements and Response (Tool-Specific); and</li> <li>3. the Pricing Response.</li> </ol> <p>The EOI Response should be submitted in the format as set out in the response documents referred to in this section, i.e. in either Word (.doc, .docx) or Excel (.xlsx) format.</p> |

## EVALUATION CRITERIA

Responses will be evaluated against the following criteria:

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|----|---------------------|---|
| 9. | Evaluation Criteria | <p>The following relating to the Respondent and its Solutions:</p> <ul style="list-style-type: none"> <li>- Alignment with NSW Curriculum and pedagogy</li> <li>- Pricing model and compliance</li> <li>- Data security</li> <li>- Functionalities</li> <li>- Experience and capability</li> <li>- Service levels and support</li> </ul> <p>The above criteria are of similar importance.</p> <p>Approach to support NSW Government social outcomes</p> |
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## **2 – GENERAL CONDITIONS**

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### **1 Conditions of EOI**

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#### **1.1 Conditions**

Each EOI Response should be submitted in accordance with:

- a) these Conditions;
- b) the mandatory requirements set out in the Requirements and Response documents (**Part B**);
- c) all other Attachments to this EOI; and
- d) any additional terms and conditions that the Department may notify on the Website, or otherwise provide to the Respondent in connection with this EOI, otherwise the Department may not consider the EOI Response or may reject it on that basis.

#### **1.2 Respondent to inform itself**

By submitting an EOI Response, the Respondent acknowledges that:

- a) it has examined all information relevant to the risks and contingencies and other circumstances having an effect on the EOI Response; and
- b) it has satisfied itself:
  - (i) that the EOI Response is correct and complies with section 1.1 above; and
  - (ii) that it is financially and practically viable for it to provide the Deliverables.

#### **1.3 EOI Validity Period**

Any EOI Response submitted by the Respondent will remain open for acceptance by the Department for the EOI Validity Period.

#### **1.4 Prescribed form of EOI Response**

- 1.4.1 The EOI Response should be completed according to the instructions as set out in the Requirements and Response documents (**Part B**). The Respondent should not include any other attachments to the EOI Response other than the Attachments as required.

#### **1.5 Discrepancies, errors or omissions**

The Respondent should notify the Contact Support Office in writing on or before the Closing Time and Date if it finds any discrepancy, error or omission in this EOI.

#### **1.6 Respondent's risk**

The Respondent acknowledges it is participating in this EOI at its sole risk and cost and that the Department is not liable to it for any expenses or costs incurred by it in connection with this EOI, including where the EOI has been discontinued.

#### **1.7 The Department's rights**

The Department, at its absolute discretion, may discontinue the EOI process; reject any EOI Response; decline to issue any further tender or enter any negotiations, not proceed with any contract; or procure the Deliverables separately from this EOI process.

### **2 Respondent eligibility**

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#### **2.1 Legal entity of Respondent**

- 2.1.1 The Respondent may only submit an EOI Response if it is a legal entity with the capacity to contract.

- 2.1.2 The Department may ask the Respondent to provide evidence of its legal status or capacity to contract.

**2.2 Sub-contractors**

If any part of any proposed Deliverables is to be supplied by a sub-contractor, the Respondent must identify the subcontractor and clearly state which goods or services would be provided by the subcontractor.

**3 EOI information**

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**3.1 Respondent briefing**

- 3.1.1 If applicable, a Respondent briefing will be held on the date, time and place indicated in the Key Dates. Representatives from the Department will be available at that time to receive any queries regarding this EOI.

**3.2 Contact Support Office**

- 3.2.1 The Respondent should refer requests for information or advice regarding this EOI to the Contact Support Office.
- 3.2.2 Any information given to a Respondent to clarify any aspect of this EOI will also be given to all other Respondents if in the Department's opinion the information would unfairly favour the inquiring Respondent over other Respondents.

**4 EOI Response lodgement**

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**4.1 Electronic lodgement**

- 4.1.1 All EOI Responses are to be lodged electronically via the Website and must be fully received by the Department by the Closing Time and Date.
- 4.1.2 A Respondent, by electronically lodging an EOI Response, is taken to have accepted the terms and conditions on the Website.
- 4.1.3 A Respondent must observe the following format for lodgements:
- a) the EOI Response must be lodged in accordance with the format required in this EOI. Other formats for the attachments are only to be submitted if an arrangement has first been made with the Contract Support Office prior to lodgement of the EOI Response;
  - b) the Respondent must not submit self-extracting (\*.exe) zip files. If the Respondent compresses files, it must be possible to decompress the files using WinZip;
  - c) the Respondent must not change pre-existing text in the EOI Response other than to insert the requested information;
  - d) the Respondent must not include any macros, applets, or executable code or files in an EOI Response;
  - e) the Respondent must ensure that electronically lodged files are free from viruses by checking the files with an up to date virus-checking program before lodging;
  - f) the Respondent may break down the lodgement of large documents into smaller packages if clearly identified e.g. package 1 of 3; 2 of 3; 3 of 3; and
  - g) all file names must have an extension and not have invalid characters or file names/loading pathnames too long for the system as detailed on the Website.

**4.2 Issues with electronic lodgement**

- 4.2.1 If a Respondent experiences any persistent difficulty with the Website in submitting a Response or otherwise, it is encouraged to advise the Contact Support Office promptly in writing.

- 4.2.2 If there is an extended defect failure of the Website or eTendering system and the Department is advised, the Closing Time and Date may be extended provided that, in the view of the Department, the EOI process will not be compromised by such an extension.

## 5 EOI process

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### 5.1 Non-Conforming Responses and Alternative Responses

Non-Conforming Responses may be excluded from the EOI process without further consideration at the Department's absolute discretion.

### 5.2 Late Responses

An EOI Response received after the Closing Time and Date (a **Late Response**) will not be considered by the Department unless the Department, at its absolute discretion, is satisfied that the integrity and competitiveness of the EOI process will not be compromised.

### 5.3 Multiple lodgements

- 5.3.1 If a Respondent provides multiple lodgements, the last EOI Response received before the Closing Time and Date will be the Response to be considered unless the Respondent provides clear directions to whether the lodgement is:

- a) an Alternative Response;
- b) supporting items to a Response; or
- c) a further part of a Response that has previously been lodged

### 5.4 Addenda to EOI

- 5.4.1 If for any reason the Department, at its absolute discretion, requires the EOI to be amended before the Closing Time and Date, an Addendum will be issued.
- 5.4.2 In each case, an Addendum becomes part of the EOI.
- 5.4.3 The Department, during the EOI 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 Time and Date, even if an EOI Response has already been submitted by the Respondent.
- 5.4.4 Respondents must check the web site address, and download the Addendum.

### 5.5 Receipt of EOI Responses

- 5.5.1 On receipt of EOI Responses lodged electronically to the NSW Government eTendering system, EOI Responses are encrypted and stored in a secure "electronic tender box".
- 5.5.2 For reasons of probity and security, the Department and its agent are prevented from accessing the electronic tender box to ascertain whether EOI Responses have been received or for any reason, until after the Closing Time and Date.
- 5.5.3 The e-mail receipt that is automatically generated to the system user upon successfully lodging the EOI Response on the NSW Government eTendering system is the only receipt of lodgement provided.

### 5.6 Variations to EOI Responses

The Respondent may only vary its EOI Response with the consent of the Department provided that, in the Department's view, it would not:

- a) substantially alter the original EOI Response; or
- b) result in the revising or expanding of an EOI Response in a way that would give the Respondent an unfair advantage over other Respondents.



**5.7 Further submissions**

This EOI is covered by the Enforceable Procurement Provisions. In accordance with the Enforceable Procurement Provisions, the Department may invite further submissions from a limited number of Respondents who submitted an initial EOI Response.

The Department will evaluate all initial EOI Responses in accordance with the evaluation criteria set out in this EOI to identify those limited number of Respondents. The Department will seek further submissions from these Respondents to establish a panel for the provision of Online Learning Tools.

**5.8 Negotiations**

The Department may conduct negotiations with a limited number of Respondents who submitted an initial EOI Response. The Department will evaluate all initial EOI Responses in accordance with the evaluation criteria set out in this EOI to identify the relevant Respondents that it would like to conduct negotiations with.

**6 Corruption, laws and policies and ethical conduct**

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**6.1 Compliance**

6.1.1 The Respondent must comply with the law and NSW Government and Department Procurement Policies.

6.1.2 The Respondent must disclose any conflict of interest in its EOI Response.

6.1.3 If the Respondent, or any of its officers, employees, agents or contractors is found to have:

- a) offered any inducement or reward to any public servant or employee, agent or subcontractor of the Department or the NSW Government in connection with this EOI or a submitted EOI Response;
- b) not complied with any laws or NSW Government and Department Procurement Policies;
- c) breached these Conditions;
- d) an improper conflict of interest;
- e) committed corrupt conduct in the meaning of the *Independent Commission Against Corruption Act 1988*;
- f) proposed goods or services (including components of these) that have been or will be produced using 'the worst forms of child labour' as defined under ILO Convention 182; or
- g) a record or alleged record of unethical behaviour,

it may result in the Department rejecting and not further considering the EOI Response.

6.1.4 The Department may, at its absolute discretion, invite a relevant Respondent to provide written comments within a specified time before the Department excludes the Respondent on this basis.

**6.2 Department to be notified of issues**

The Respondent must provide the Department's Chief Procurement Officer with information concerning any matters referred to in 6.1, findings of dishonest, unfair, unconscionable, corrupt or illegal conduct against the Respondent, its directors or management. The Respondent must provide this information in its EOI Response, and at any time afterwards as soon as it becomes aware of it.

**7 Complaints Procedure**

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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 tendering or unfairly disadvantaged by, it is invited to write to:

Chief Procurement Officer  
Procurement Solutions Directorate  
NSW Department of Education  
105 Phillip Street  
Parramatta NSW 2150

### 3 – DICTIONARY

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Unless the context indicates otherwise, the following terms, where used in this EOI, have the meanings set out below.

|   |  |
|---|--|
| <b>Addendum</b>                               | means an addition to this EOI made by the Department before the Closing Time and Date.   |
| <b>Attachment</b>                             | means the attachments as set out in this document under the section 'EOI Structure'.   |
| <b>Closing Time and Date</b>                  | means the closing time and date for receipt of Responses specified in the Key Dates.   |
| <b>Conditions</b>                             | means Part A of this EOI.  |
| <b>Department</b>                             | means the State of New South Wales by its Department of Education  |
| <b>Deliverables</b>                           | means the goods or services sought under this EOI, as detailed in the Requirements.  |
| <b>Enforceable Procurement Provisions</b>     | means the enforceable procurement provisions set out in the <i>Procurement (Enforceable Procurement Provisions) Directions 2019</i> (NSW) under the <i>Public Works and Procurement Act 1912</i> (NSW).  |
| <b>EOI Response</b>                           | means the response documents to be completed by the Respondent contained in Part B and any other relevant Attachments (where applicable).  |
| <b>Key Dates</b>                              | means the dates set out in items 2 to 5 of Subpart 1 of the Conditions   |
| <b>Non-Conforming Response</b>                | means a Response that does not conform in all aspects to all mandatory requirements in the Requirements.   |
| <b>NSW Government and Department Policies</b> | <p>means NSW Government and Department policies as added to and changed from time to time.</p> <p>NSW Government procurement policies including the NSW Procurement Board's Procurement Policy Framework can be viewed at:<br/> <a href="https://buy.nsw.gov.au/policy-library/policies/procurement-policy-framework">https://buy.nsw.gov.au/policy-library/policies/procurement-policy-framework</a></p> <p>The NSW Government's Supplier Code of Conduct is available at:<br/> <a href="https://www.procurepoint.nsw.gov.au/documents/nsw-supplier-code-conduct.pdf">https://www.procurepoint.nsw.gov.au/documents/nsw-supplier-code-conduct.pdf</a></p> <p>The Department's Business Ethics Statement is available at:<br/> <a href="https://education.nsw.gov.au/content/dam/main-education/about-us/supplying-to-us/media/documents/statement-of-business-ethics.pdf">https://education.nsw.gov.au/content/dam/main-education/about-us/supplying-to-us/media/documents/statement-of-business-ethics.pdf</a></p> |
| <b>Respondent</b>                             | means the respondent to this EOI.  |
| <b>Requirements</b>                           | means the detailed description of the goods and services contained in Part B.  |
| <b>EOI</b>                                    | means this request for expression of interest (including any Addenda)  |
| <b>Website</b>                                | means the website found at <a href="https://tenders.nsw.gov.au/det">https://tenders.nsw.gov.au/det</a> .   |