



BRIEFING

Request for Information - Leveraging Government Energy Demand to Support Development of Energy Projects

Date:	1 August 2025	Priority:	Medium
Security classification:	In Confidence	Tracking number:	REQ-0018090

Action sought		
	Action sought	Deadline
Hon Nicola Willis Minister for Economic Growth Hon Simon Watts Minister for Energy	Agree to release and publish the Request for Information, <i>Leveraging Government Energy Demand</i> on the Government Electronic Tenders Service (GETS) platform. Agree to issue a media statement advising the release and publication of the Request for Information, <i>Leveraging Government Energy Demand</i> .	8 August 2025

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Michael Alp	General Manager, New Zealand Government Procurement	Privacy of natural persons	✓
Richard Lee	Head of Strategy, Policy and Governance, New Zealand Government Procurement	Privacy of natural persons	
Rebecca Heerdegen	Policy Director, Energy Markets	Privacy of natural persons	

The following departments/agencies have been consulted

Minister's office to complete:

☐ Approved

☐ Declined

☐ Noted

☐ Needs change

☐ Seen

☐ Overtaken by Events

☐ See Minister's Notes

☐ Withdrawn

Comments



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Purpose

This briefing seeks Ministerial approval to release and publish a Request for Information (RFI) *Leveraging Government Energy Demand*.

Executive Summary

A number of energy businesses have stated that longer term contracts with Government would support new energy generation or fuel production projects.

Following Cabinet's direction, we have drafted an RFI *Leveraging Government Energy Demand*. The RFI is seeking information to help MBIE understand the potential for Government's purchase of energy, to support development of new energy projects that would add to electricity and/or (non-transport) fuel supply.

To support broad market uptake, we are proposing to leverage a number of channels to promote the RFI, including a media release.

Recommended action

The Ministry of Business, Innovation and Employment (MBIE) recommends that you:

- a **Agree** to release and publish the Request for Information, *Leveraging Government Energy Demand* on the Government Electronic Tenders Service (GETS) platform.

Agree / Disagree

- b **Note** that to ensure good market coverage, MBIE will promote the RFI through stakeholder channels.

Noted

- c **Agree** to issue a media statement advising the release and publication of the Request for Information, *Leveraging Government Energy Demand*.

Agree / Disagree

Privacy of natural
persons

Michael Alp
General Manager
New Zealand Government Procurement, MBIE

..... / /

Hon Nicola Willis
Minister for Economic Growth

..... / /

Hon Simon Watts
Minister for Energy

..... / /

Background

1. The New Zealand Government is focussed on ensuring affordable and secure energy to support economic growth. Winter 2024 highlighted the two key issues facing the energy system, that is shortages of firm electricity generation and declining gas supply.
2. On 14 April 2025, Cabinet agreed to an initial package of actions to improve the security and affordability of New Zealand's gas and electricity supplies. This package includes an action to explore options for the development of a long-term purchase agreement or similar options to underwrite energy projects (new generation or gas/fuel supply), with current government users and potential market partners. [CAB-21-MIN-0125 refers]
3. To demonstrate the Government's openness to market-led and innovative approaches and solutions, you agreed to (REQ-0015201 refers):
 - publishing a Request for Information (RFI), seeking options for leveraging the Government's energy use, to support energy projects
 - officials assessing proposals received and advising joint Ministers on options to establish a long-term purchase agreement or similar options to support energy generation projects.
4. Officials have now drafted an RFI *Leveraging Government Energy Demand* with support from energy consultants Sapere. This is attached as **Annex one**.
5. We seek your agreement to release and publish the RFI on GETS. To ensure good market coverage we will promote the RFI through stakeholder channels. We also seek your agreement to issue a media release advising of the release and publication of the RFI.

The RFI aims to help Government understand how it can leverage its energy demand, to support energy generation projects

6. The draft RFI signals an openness to innovation and encourages responses from a broad range of stakeholders. The draft RFI is intended to inform potential future approaches to market. It has three objectives:
 - a. Government understands potential energy projects that its purchasing power could support, to increase generation in the New Zealand energy market
 - b. Government understands what support these projects need from Government, to make such partnerships viable and/or what the critical barriers are to these projects that Government procurement might help address
 - c. Government understands the value of potential projects, and risks that need to be managed by commercial arrangements.

RFI Content

7. To make the most of the RFI process, we are proposing a very broad scope. This could lead to a number of options for Government that could both support new energy projects and meet the variety of use-cases in the public service. The draft RFI seeks information on:
 - a. grid-scale energy supply, locational supply, and/or site-specific projects, including repeatable projects
 - b. lead time for projects, which is flexible and includes both near term delivery and projects in early stages of development (up to 10 years to delivery)

- c. a wide range of technologies or solutions including, but not limited to: wind, solar (rooftop through to grid scale), battery, geothermal, biogas, woody biomass, hydrogen
 - d. what the market needs from government purchase arrangements to make such partnerships viable
 - e. commercial models that support value for money.
8. It is intended the RFI will be open for six weeks, which we believe will be adequate time for the market to respond.

RFI timeline

9. A table with proposed deliverables is below, dates are indicative:

Task	Comment	Deadline
Joint Ministers approval of RFI for release		8 August 2025
Ministerial announcement and release of the RFI	RFI posted on GETS, and promoted through MBIE stakeholder channels	18 August 2025
RFI closes	We recommend six weeks for the RFI to be open	28 September 2025
Ministers receive high-level summary of proposals	Officials will provide high level info on the number, type of projects, location, volume of energy produced per proposal	3 October 2025 (1 week after RFI closes)
Evaluation of proposals completed	Estimated six weeks to evaluate (depending on number of proposals received). During this process, we may engage with individual agencies, as appropriate	7 November 2025 (six weeks after RFI closes)
Ministers receive advice on next steps	Advice will include recommendations on how best to proceed given the nature of proposals received, required government processes (such as a request for proposals) and approvals, and any supporting actions needed	7 November 2025 (six weeks after RFI closes)

Key stakeholder communications

10. There are several parts to our communications strategy:
- a. We will ensure that current All-of-Government (AoG) panel suppliers (on both the gas and electricity contracts) are informed about the RFI ahead of release, including clear communications about the implications of any future work.
 - b. We have already engaged with some government agencies who have been actively working on options for more resilient and sustainable energy solutions to meet their needs. Following your agreement to the release of the RFI, we will engage with all government users of the AoG energy contracts (around 90 agencies use the gas contract, and around 800 agencies use the electricity contract). Once the RFI closes, we will also engage on specific options with agencies, where appropriate.
 - c. MBIE will distribute the RFI through its energy stakeholder channels, to promote the opportunity to as many energy firms as possible.

11. We recommend you announce the RFI being published through a media release. If you agree, we will work with your offices on communications material.
12. To further support broad participation, communications will highlight that businesses can respond both through the GETS and via email, to ensure a route for an international audience.

Risks

The nature and number of proposals is uncertain

13. We have interpreted the Cabinet directive and developed the RFI based on the goal of hearing from the energy market about a wide range of potential energy projects. At this stage we do not want to limit the scope of possible market-led solutions, as this could occur if the scope is too prescriptive.
14. If there is a significant response to the RFI; either a large number, or highly detailed and complicated responses, this could have timing implications for analysing responses and providing advice. We will look to utilise Sapere to mitigate this risk where possible, but may need to expand internal capacity. Additional funding was provided in Budget 2025 for this project, which has not yet been fully allocated.
15. The RFI may be worded in a way that is too broad, or narrow, or asks for too much information for the some of the market to engage with, and we receive a low number of proposals. We have mitigated this by being broad in the types of proposals the RFI is seeking information about, while highlighting specific types of projects that may wish to apply. The draft RFI acknowledges that some projects may not be able to provide all the information requested, and we would still like to receive available information about these projects.
16. We will provide advice on any implementation challenges that may occur as the result of specific proposals. An overview of possible challenges was included in our previous advice (REQ-0015201 refers).

Next steps

17. Following joint Ministers' decisions, and based on any feedback you have, we will finalise the draft RFI for publication on GETS.
18. If you wish to make an announcement, we will provide communications material to offices accordingly.

Annexes

Annex One: Draft RFI *Leveraging Government Energy Demand*

Annex One: Draft RFI Leveraging Government Energy Demand

Request for Information (RFI)

by: Ministry for Business Innovation and Employment (MBIE)

for: Leveraging Government Energy Demand

RFI released:	TBC
Deadline for Questions:	TBC
Deadline for Responses:	TBC

Ministry for Business Innovation and Employment
www.mbie.govt.nz
15 Stout Street,
Wellington 6011

The information we require

This RFI is issued by the Ministry of Business Innovation and Employment referred to below as “we” or “us” or “MBIE”.

Government is interested in understanding how its purchasing power could support new energy investment in New Zealand. We are therefore seeking information to help us identify and understand the range of potential energy projects that would add to electricity and/or (non-transport) fuel supply, where government procurement would support delivery. This includes but is not limited to:

- Grid-scale, locational supply, and/or site-specific projects. At the smaller scale, we would be particularly interested in repeatable projects i.e., where the business model is that a particular technology is deployable in a growing number of locations.
- Lead time for projects is flexible, as government has existing supply arrangements. We are interested in both near term delivery, as well as projects at early stages of development (up to 10 years to delivery).
- A wide range of technologies or solutions including, but not limited to: wind, solar (rooftop through to grid scale), battery, geothermal, biogas, woody biomass, hydrogen, and traditional hydrocarbon-fuelled thermal power generation solutions. These could have a range of applications i.e., general electricity needs or heating.
- What the market needs from government to make such partnerships viable, including but not limited to: volume commitments, price commitments, long-term contracts, contract flexibility. Land, (or access to land) may also be available for some projects.
- Commercial models that support value for money, which could include ‘energy as a service’.
- Commercial models that deliver security of supply, resilience, and demand management, including sleeving and energy efficiency components. This could include greentech and fintech innovations.

This RFI is intended to inform future approaches to market. It is not intended to be used for procurement purposes. We are interested in potential solutions to complement, or succeed, the existing All-of-Government (AoG) contracts that currently exist. The AoG contracts are explained further in the “A bit about us” section, below.

Once the RFI has closed, MBIE will analyse the information we receive, and advice will be provided to Ministers. We expect to come back to the market to communicate next steps in late 2025. This may include formal Request(s) for Proposals, dependent on what we learn through this RFI process.

When referring to ‘Government’, this is made up of New Zealand's central government agencies in the public service, state services and state sector. A full list of these agencies is available on the Te Kawa Mataaho Public Services Commission website: <https://www.publicservice.govt.nz/system/central-government-organisations>. Local government agencies are part of the public sector and are included in ‘Government’. In total, this is around 2,800 agencies, with 2,450 being schools.

[Section 2](#) provides more detail on the type of information that would be useful to provide in your response.

What we don't want

We are only seeking information from businesses or groups who are seeking support for **new viable** energy generation projects, we are not seeking projects that have financial support secured and are planned to progress, or unproven technologies.

At this stage, we do not require fully developed business cases or proposals, however respondents are free to provide all information they think may be relevant for us to better understand your response.

We are not seeking advice or submissions on the state of competition or other issues in the New Zealand energy sector, outside of information that may be useful in understanding your response to this RFI.

Why should you respond?

This is a unique opportunity to tell us how government can help you enter or grow energy projects in the New Zealand market, and what you would need from government to make a partnership viable.

Government will not be making any final decisions on proposals at this stage. The information you provide will help to inform next steps, including decisions on whether to seek more formal proposals.

Existing or previous funding from the Crown does not preclude you partaking in this RFI.

MBIE will treat information marked as 'commercially sensitive' in confidence. We may share the RFI information you provide with our partner government agencies, as part of the evaluation.

A bit about us

MBIE plays an important role in shaping and delivering a strong New Zealand economy. We develop and deliver policy, services, advice and regulation to support business growth, competitive markets and prosperity and wellbeing of all New Zealanders.

New Zealand Government Procurement sits within MBIE and helps New Zealand government agencies deliver better public value by enhancing procurement capability and performance, including establishing and managing a range of All of Government (AoG) contracts, for the use of Government agencies.

Electricity and gas are largely purchased by government through AoG contracts managed by MBIE.

Reticulated gas is purchased using an AoG contract, which facilitates the supply of reticulated gas to around 90 participating agencies across the North Island. Annual gas volume used is around 1.9 PJ, which equates to 1.6 percent of the New Zealand gas market.

Electricity is purchased using an AoG panel contract, with multiple providers, which provides supply, price certainty and simplicity for agencies. The contract covers the supply of electricity and associated services for agencies. There are around 800 agencies participating in this contract, with schools making up around 500. In the year to April 2025, we consumed 1236.88 GWh of electricity. Annual AoG electricity consumption equates to around 2 – 4 percent of the electricity market.

SECTION 1: Key Information

1.1 Context

- a. This Request for Information (RFI) seeks information that will help MBIE determine what future opportunities there may be to leverage government procurement to achieve the Government's energy objectives of security of supply and affordability, in particular, enabling an organisation or organisations seeking to enter or grow energy generation projects / (non-transport) fuel supply in the New Zealand market.
- b. For clarity, we are not seeking promotional information regarding your company. At any future Request For Proposal stage, you will have an opportunity to promote your business.
- c. This RFI is to gather information, no contract opportunities or early engagement opportunities will occur as a result of this process. Following this RFI, MBIE will decide on what process will follow, if any.

1.2 Our timeline

- a. Our timeline for this RFI (New Zealand times and dates):

Deadline for Questions from Respondents:	TBC
Deadline for MBIE to answer questions:	TBC
Deadline for Responses	TBC

1.3 How to contact us

- a. Contact us through our Point of Contact via email or the Government Electronic Tenders Service (GETS) (www.gets.govt.nz).
- b. Our Point of Contact:

Name: Abby Cheeseman

Title/role: Policy Director, New Zealand Government Procurement

Email address: EnergyProcurement@mbie.govt.nz

1.4 Developing and submitting your information

- a. This is not a tender process.
- b. Take time to read and understand the RFI. In particular, understand our Requirements. These are in Section 2 of this document.
- c. If you have questions, ask our Point of Contact before the Deadline for Questions (see 1.2 above).
- d. Submit your Response before the Deadline for Responses using the Response Form provided.

1.5 Address for submitting your Response

- a. You can submit your Response to the following address: EnergyProcurement@mbie.govt.nz. Or you can submit your response via the GETS function.
- b. **We will not accept Responses sent by post or delivered to our office.**

1.6 Our RFI Terms

- a. The RFI is subject to the RFI Terms in Section 3 below.

1.7 Later changes to the RFI or RFI process

- a. After publishing the RFI, if we need to change anything or provide additional information, we will let all Respondents know by placing a notice on the GETS at www.gets.govt.nz.
- b. If you downloaded the RFI from GETS you will automatically receive notifications of any changes through GETS.

SECTION 2: Our Requirements

2.1 Background

The New Zealand Government is focussed on ensuring affordable and secure energy to support economic growth. In 2024, low hydro inflows combined with lower than expected gas production left the electricity system short of energy, leading to high prices and significant impacts for some businesses (particularly those with high energy requirements and limited ability to pass on cost increases). The two underlying problems are a shortage of gas and firm electricity generation capacity.

In response, government is introducing or passing through Parliament, a number of initiatives to address our energy security. The changes made/underway include:

- reversing the oil and gas exploration ban and starting a new open market application process for oil and gas exploration of any acreage seen as prospective
- sharing exploration risk through government co-investment via our \$NZ200m fund
- fast project consent approvals through our Fast-track Approvals process
- establishing an offshore renewable energy regime
- energy market reforms, including the Energy Authority and Commerce Commission Competition Taskforce and a Review of Electricity Market Performance.

The Government is reaching out to businesses with potential energy projects to understand how government demand may be able to support further enhancing the pipeline of projects. This RFI is the first step in that process.

2.2 Key outcomes

#1	Government understands potential energy projects that its purchasing power could support, to increase investment in the New Zealand energy market.
#2	Government understands what support these projects need from Government, to make such partnerships viable and/or what the critical barriers are to these projects that Government procurement might help address.
#3	Government understands the value of potential projects, and any risks that need to be managed by commercial arrangements.

2.3 Further detail on the information we require

Some of the information that will be useful to provide is listed below. This is unlikely to be an exhaustive list for potential projects, please add additional information that you see as relevant, or state if some information is not available. We are comfortable that some projects may not be able to provide all the information requested below, and we would still like to receive available information about these projects. Please indicate why information is not available at this point.

MBIE is subject to the Official Information Act 1982, if you provide us with information that you do not want shared more widely, please mark the information as 'commercially sensitive'.

Information about your proposal or proposals

- Where do you currently operate, or propose to operate?
- Describe the generation technology(ies) you intend to operate (solar, wind, hydro, geothermal, biogas, other fuels etc) This does not have to be grid-scale, and the project proposed could be a smaller size implementation or pilot scale. There is no minimum scale, however, this RFI is focussed on commercially feasible technologies.
- Provide details of the specific project(s) you propose:
 - Type of project.
 - Location.
 - Operational status/expected commissioning date? Long lead times are acceptable, as government has existing contracts for supply.

Capacity and Energy Supply of the proposed project(s)

For example:

- What is the expected installed capacity and maximum capacity (MW) of the project(s)?
- Do you have any expected annual energy production (MWh) or historical production data?
- If relevant, how you forecast and manage production variability and intermittency? E.g., if you would provide sleeving arrangements, or do not intend to provide sleeving (we are interested in both sleeved and non-sleeved arrangements).

Contract terms and flexibility

- What contract lengths do you offer, or would you be interested in?

Delivering and scheduling

- Explain how energy delivery and scheduling will be managed.
- Detail existing or planned energy delivery infrastructure. How will the energy be delivered, what are the associated transport arrangements, if any?
- How will you manage non-delivery e.g., pipeline failure or grid curtailment?

Environmental Attributes of the project(s)

- Outline the environmental impacts of the project, and how these are/will be managed.
- Include the anticipated Greenhouse gas emissions associated with the development and ongoing operation of the proposed project(s).

Risk Management processes

- How do you mitigate risks related to production shortfalls, outages, or force majeure?
- Are performance guarantees or penalties for under-delivery part of your standard contracts?

Current barriers preventing generation / project development

- What barriers is your project currently facing to get to delivery?
- In what way do you consider a government contract might address this?

References and Track Record

- Are there any references or case studies from previous projects?
- Summarise your track record regarding project delivery and ongoing performance.

Legal and Regulatory Compliance

- Are there any regulatory approvals already obtained or pending?
- Is the project compliant with local planning, environmental, and energy market regulations?
- What is the legal entity structure of the supplier?

Financial Strength and Guarantees

- Can you provide financial statements or credit ratings?
- Are there parent company guarantees or insurance instruments backing the project?
- What is the supplier's financing status (e.g., equity secured, debt arranged)?

For electricity projects only - Grid Integration and Market Participation

- If required¹, are you registered with the Electricity Authority?
- Will the energy be delivered via direct connection, retailer sleeving, or market settlement?
- What is the grid injection point and associated transmission arrangements, or distribution arrangements for a direct local connection?

Additional Services or information

- Can you provide ancillary services to the electricity market (i.e. frequency keeping, instantaneous reserve, potentially standby reserve)?
- Can you provide other services such as energy storage, other transmission and/or distribution support, or demand response?
- Are you able to include carbon offsets or other sustainability products?
- Is there any other information you wish to provide, relevant to this RFI.

¹ Owners of distributed generation with less than 100 kWh of nameplate capacity connected to a distribution network are exempt.

SECTION 3: RFI Terms

Defined terms are shown using capitals. You can find definitions at the end of this Section.

Preparing and submitting a Response

3.1 Preparing a Response

a. **Respondent obligations**

The Respondent must:

- i. read the complete RFI and any additional information provided and referred to by the Buyer;
- ii. respond using the RFI Response Form provided and include all information the Buyer requests;
- iii. consider the risks and contingencies relating to the delivery of the RFI requirements and outline how it will manage those risks and contingencies;
- iv. include any assumptions, dependencies, and/or qualifications in the Response, including anything that may limit its obligations;
- v. obtain independent advice before submitting a Response (if necessary).

b. **Process acceptance**

By submitting a Response, the Respondent accepts the RFI Terms.

c. **No obligation, no penalty**

Providers are not expected or required to submit a Response in order to remain on any prequalified or registered provider list.

3.2 Respondent questions

- a. The Respondent must make sure they understand the RFI.
- b. If the Respondent has any questions or needs clarification, they:
 - i. must submit questions before the Deadline for Questions (Section 1 of the RFI);
 - ii. must clearly indicate any commercially sensitive information in their questions; and
 - iii. may withdraw their questions at any time.
- c. When the Buyer receives questions before the Deadline for Questions:
 - i. the Buyer will respond on or before the Deadline for Answers;

- ii. the Buyer may provide details of both the questions and the answers to other Respondents. In these circumstances the Buyer will summarise the questions and will not disclose the Respondent's identity;
- iii. Unless stated otherwise in the RFI, the Buyer will post both the questions and answers on GETS; and
- iv. The Buyer will not publish the Respondent's commercially sensitive information. However, if the Buyer considers the information to be significant for all Respondents, the Buyer may modify the question and publish both this and the answer. In that case, the Buyer will first give the Respondent the opportunity to withdraw the question or remove any of their own commercially sensitive information.

3.3 Submitting a Response

- a. The Respondent must ensure the Buyer receives the Response at the correct address on or before the Deadline for Responses.
- b. After the Deadline for Responses, the Buyer will acknowledge receipt of the Response.
- c. The Respondent must ensure that all information they provide to the Buyer:
 - i. is true, accurate and complete;
 - ii. is not misleading in any material respect;
 - iii. does not contain material that infringes a third party's intellectual property rights; and
 - iv. is identical, if they supply both hard and soft copies.
- d. The Buyer may rely on the Response and all information provided by the Respondent during the RFI process (e.g. correspondence and negotiations).

3.4 Clarification of Response

- a. The Buyer may ask the Respondent for more information or clarification on the Response at any time during the RFI process.
- b. The Buyer need not ask all Respondents for the same clarification.
- c. The Respondent agrees to provide the information or clarification as soon as possible, in the format requested by the Buyer.

Standard RFI conditions

3.5 Buyer's Point of Contact

- a. The Respondent must direct all RFI enquiries to the must be submitted through the Q&A function in GETS.
- b. Only the Point of Contact, or a person authorised by the Buyer, may communicate with the Respondent on any aspect of the RFI. The Buyer will not be bound by any statement made by any other person.

- c. The Buyer may change its Point of Contact at any time. The Buyer will notify the Respondent of any change by email or posting a notification on GETS.
- d. If a Respondent has an existing contract with the Buyer, business as usual communications, for the purposes of managing delivery of that contract, will continue using the usual contacts.
- e. If the Respondent has an existing contract with the Buyer, the Respondent must not use its business-as-usual communications to contact the Buyer regarding the RFI.

3.6 Conflict of Interest

- a. The Respondent must complete the Conflict of Interest declaration in the RFI Response Form. If a joint Response is being submitted, each party must complete the Conflict of Interest declaration separately.
- b. If a Conflict of Interest arises during the RFI process, the Respondent must inform the Buyer immediately.
- c. The Buyer may exclude a Respondent from the RFI process if a material Conflict of Interest arises.

3.7 Confidential Information

- a. Without limiting any other confidentiality agreement between them, the Buyer and the Respondent will both take reasonable steps to protect the other party's Confidential Information.
- b. Except as permitted by the other provisions of this Section 3, neither party will disclose the other party's Confidential Information to a third party without that other party's prior written consent.
- c. Each party may each disclose the other party's Confidential Information to anyone who is directly involved in the RFI process on that party's behalf, but only for the purpose of participating in the RFI. This could include (but is not limited to) officers, employees, consultants, contractors, professional advisors, evaluation panel members, partners, principals or directors, or partner government agencies as part of the evaluation. Where this occurs, the disclosing party must take reasonable steps to ensure the third party does not disclose the information to anyone else, and does not use the information for any purpose other than participating in the RFI process.
- d. The Respondent acknowledges that the Buyer's confidentiality obligations are subject to requirements imposed by the Official Information Act 1982 (OIA), the Privacy Act 2020, parliamentary and constitutional convention, and any other obligations imposed by law. Where the Buyer receives an OIA request that relates to a Respondent's Confidential Information, the Buyer may ask the Respondent to explain why the information is considered by the Respondent to be confidential or commercially sensitive.
- e. The Respondent may disclose the Buyer's Confidential Information to the extent strictly necessary to comply with law or the rules of any stock exchange on which the securities of the Respondent or any related entity are currently listed. Unless prohibited by law, the Respondent must consult with the Buyer before making such a disclosure.
- f. The Buyer will not be in breach of its obligations if it discloses Confidential Information to the appropriate authority because of suspected collusive or anti-competitive tendering behaviour.

3.8 Costs of participating in the RFI process

Except as otherwise stated in the RFI, the Respondent must meet their own costs associated with the preparation and presentation of the Response.

3.9 Ownership of documents

- a. The RFI and its contents remain the property of the Buyer. All Intellectual Property rights in the RFI remain the property of the Buyer or its licensors.
- b. The Buyer may request the immediate return or destruction of any RFI documents and any copies, in which case the Respondent must comply in a timely manner.
- c. All documents forming part of the Response will, once they are delivered to the Buyer, become the property of the Buyer. The Response will not be returned to the Respondent.
- d. Intellectual Property rights in the Response remain the property of the Respondent or its licensors.
- e. The Respondent grants to the Buyer a licence to retain, use, copy and disclose information contained in the Response for any purpose related to the RFI process, including keeping appropriate records.

3.10 Limited rights and obligations

- a. Except as stated otherwise in this paragraph, nothing in the RFI, these RFI Terms or the RFI process creates a contract or any other legal relationship between the Buyer and Respondent.
- b. The following are binding on the Respondent:
 - i. The Respondent's signed declaration (contained in the RFI Response Form).
 - ii. The Respondent's obligations under paragraphs 3.1, 3.3 and 3.6. Nothing in this Section 3 takes away from any rights or remedies the Buyer may have in relation to the Respondent's statements, representations or warranties in the Response or in correspondence with the Buyer.
 - iii. The standard RFI conditions in Section 3.
- c. Paragraphs 3.4 and 3.9 are binding on the Buyer.
- d. All terms and other obligations that are binding on the Buyer are subject to the Buyer's additional rights in paragraph 3.11.

3.11 Buyer's additional rights

- a. **Changes to the RFI**
 - i. The Buyer may amend, suspend, cancel or re-issue the RFI, or any part of it, so long as it notifies the Respondent.
 - ii. The Buyer may change material aspects of the RFI, such as the timeline or Requirements, provided it gives the Respondent time to respond to update its Response in relation to the changes.

b. Timeline

- i. The Buyer may accept a late Response if it is the Buyer's fault it is late, or if the Buyer considers there is no material prejudice to other Respondents in accepting a late Response.
- ii. The Buyer may answer a question submitted after the Deadline for Questions, and notify all Respondents about the submission of the question and the answer.

c. RFI Process

- i. The Buyer may liaise with any Respondent without informing, or doing the same, with any other Respondent.
- ii. The Buyer may provide Respondents with information arising from questions about the RFI.
- iii. The Buyer may withhold information arising from questions about the RFI. This may be the case if the information is unnecessary, is commercially sensitive, is inappropriate to supply at the time of the request or cannot be released for legal reasons.
- iv. The Buyer may waive requirements or irregularities around the RFI process if the Buyer considers it appropriate or reasonable to do so.

3.12 New Zealand law

The laws of New Zealand govern the RFI. Each Respondent agrees New Zealand courts have non-exclusive jurisdiction to rule in any dispute concerning the RFI or the RFI process. The Respondent agrees that it cannot bring any claim in relation to the RFI except in a New Zealand court.

3.13 Disclaimer

- a. Nothing contained or implied in the RFI, or RFI process, or any other communication by the Buyer to the Respondent is to be construed as legal, financial or other advice.
- b. The Buyer will endeavour to provide accurate information in any communication, but the Respondent accepts this information is not independently verified and may not be up to date.
- c. The Buyer will not be liable in contract, tort, equity, or in any other way for any direct or indirect damage, loss or cost incurred by the Respondent or any other person in respect of the RFI process, whether as a result of the Buyer exercising its rights under paragraph 3.11, the Buyer's negligence or breach of these RFI Terms, the Buyer failing to select the Respondent as the Successful Respondent, or any other cause.
- d. To the extent that liability cannot be excluded, the maximum aggregate liability of the Buyer, its agents and advisors in connection with the RFI process, to all Respondents combined, is NZ\$5,000.
- e. The limitations and exclusions in paragraphs c and d above do not apply to any liability the Buyer may have for breach of confidentiality or infringement of the Respondent's intellectual property rights.

3.14 Precedence

- a. Any conflict or inconsistency in the RFI shall be resolved by giving precedence in the following descending order:
 - i. these RFI Terms
 - ii. all other Sections of the RFI document
 - iii. any additional information or document provided by the Buyer to Respondents through the Buyer's Point of Contact or GETS.
- b. If there is any conflict or inconsistency between information or documents having the same level of precedence the more recent information or document will prevail.

Definitions

In relation to the RFI the following words and expressions have the meanings described below.

Buyer	The government agency that has issued the RFI with the intent of obtaining information.
Confidential Information	<p>Confidential Information of a party (Provider) means information acquired by the other party (Recipient) from the Provider in connection with the RFI process, where that information:</p> <ol style="list-style-type: none">a. is by its nature confidentialb. is marked at the time of disclosure to the Recipient as 'confidential', 'in confidence', 'restricted', 'sensitive', 'secret' or 'top secret', and/orc. the Recipient knows, or ought to know, is confidential to the Provider or a third party who supplied it to the Provider. <p>However, this does not include information that is publicly available through no fault of the Recipient, or that the Recipient acquired entirely independently of the Provider.</p>
Conflict of Interest	<p>A Conflict of Interest arises if personal or business interests, relationships or obligations of the Respondent or any of its personnel do, could, or could be perceived to:</p> <ol style="list-style-type: none">a. conflict with the Respondent's obligations to the Buyer under the RFI or in the provision of the goods or services, and/orb. call into question the independence, objectivity or impartiality of any person involved in the RFI process on behalf of the Buyer. <p>A Conflict of Interest may be:</p> <ol style="list-style-type: none">c. actual: where the conflict currently exists,d. potential: where the conflict is about to happen or could happen, ore. perceived: where other people may reasonably think that a person is compromised.
Deadline for Answers	The deadline for the Buyer to respond to questions submitted by a Respondent stated in Section 1.2 of the RFI.
Deadline for Responses	The deadline for delivering or submitting Responses to the Buyer as stated in Section 1 of the RFI.

Deadline for RFI. Questions	The deadline for submitting questions to the Buyer as stated in Section 1 of the
GETS	Government Electronic Tenders Service available at www.gets.govt.nz .
Intellectual Property	All industrial and intellectual property rights whether conferred by statute, at common law or in equity, including (but not limited to) copyright, trademarks, designs and patents.
Point of Contact	The Buyer and each Respondent are required to appoint a Point of Contact. This is the channel to be used for all communications during the RFI process. The Buyer's Point of Contact is identified in Section 1 of the RFI. The Respondent's Point of Contact is identified in its Response.
Respondent	A person, company or organisation that submits a Response in response to the RFI. The term Respondent includes each member of any consortium.
Response	The response a Respondent submits in reply to the RFI. It comprises the Response Form and all other information submitted by a Respondent.
Response Form	The form and declaration prescribed by the Buyer and used by a Respondent to respond to the RFI, duly completed and submitted by a Respondent as part of the Response.
RFI	Means the Request for Information.
RFI Terms	Means the RFI Terms as set out in Section 3 of the RFI.

For more definitions, click [HERE](#).