

Overall Evaluation Team – Auckland Light Rail

Terms of Reference

Introduction

The Ministry of Transport is undertaking a structured evaluation process to determine a Preferred Delivery Partner for the Auckland Light Rail (ALR) project.

These Terms of Reference summarise the role of the Overall Evaluation Team (OET). They are to be read in conjunction with the wider Evaluation Plan and Logistics Plan.

Terms of Reference

The OET is responsible for reviewing and considering the Subject Matter Evaluation Team (SMET) reports produced against the five Evaluation Criteria laid out in the Response Requirements Document (RRD) along with the Price, Policy, Probity and Legal Due Diligence (DD) reports, and providing a recommendation to the Secretary for Transport on a Preferred Delivery Partner for the ALR project on the basis of a holistic assessment of the materials.

The OET will review and consider:

- Respondent Proposals (as context to the other reports)
- 5 SMET Reports, and a consolidated SMET report
- Legal DD Report, encompassing:
 - Contractual structures
 - Commercial terms
 - Legislative and regulatory changes
- Policy DD Report, encompassing:
 - Policy implications
 - Legislative and regulatory implications
- Pricing DD Report, encompassing
 - Capital and operating expenditure over the life of the project
 - Required financing and funding from central and local government sources
- Probity DD Report
 - Summary of adherence by both parties to their probity requirements prior to Proposal submission

The OET will meet to discuss:

- the rationale for scoring decisions by the SMETs;
- pricing, financing and funding considerations;
- specific risks and issues that need to be considered for each Proposal, including commercial terms and policy implications;

- the manner in which each Respondent has engaged in the process, including with respect to their probity adherence, and the implications for a partnership with the Crown;
- the requirement for further clarification from Respondents regarding aspects of their Proposals, if any; and
- specific areas for negotiation for the next stage in the process.

The OET may invite SMET Leads to present their reports or to explain their scoring decisions. The OET will not score or rescore any of the criteria. The OET may also invite DD Leads to present their reports and answer any questions.

The OET will prepare an Overall Evaluation Report for the Secretary for Transport recommending a Preferred Delivery Partner on the basis of a holistic assessment of the materials.

The Overall Evaluation Report will:

- summarise the process undertaken;
- summarise the key strengths and weaknesses of each Respondent's Proposal;
- recommend a Preferred Delivery Partner to the Secretary for Transport and explain the reasons why, with any caveats noted;
- explain any risks and issues relevant to the recommendation;
- note any other considerations relevant to the recommendation; and
- summarise the financial implications of the recommendation.

The OET Chair will be responsible for submitting the Overall Evaluation Report to the Secretary for Transport. The OET Chair will ensure that assessments undertaken by the OET are carried out in accordance with the Evaluation Plan and associated documentation.

Where differences of opinion occur during the OET process, the OET Chair will seek consensus resolutions where possible, but reserves the right to ask the SRO to act as a final arbiter if issues cannot be resolved. This applies to issues that arise within SMETs (where escalated) and to the OET. If the decision has an impact on the recommendation of a Preferred Delivery Partner, the OET Chair will consult with the Secretary for Transport.

Preconditions

The OET members must attend Evaluation Training, read the Evaluation Plan and Logistics Plan, and signed a Declaration confirming this has been undertaken. Members must also sign or update their Conflict of Interest Declarations in line with the list of parties included within Proposals.

Timeline

Receipt of SMET Reports, Legal, Probity and Policy DD Reports – Monday 13th January

Receipt of Price DD Report – by Thursday 16th January

OET Meetings

It is intended that the OET assessment be completed over the first two meetings. However, OET members agree that they will make themselves available for all four sessions set out below. All sessions will be held in Auckland.

Evaluation Meeting 1 – Wednesday 15th January

Evaluation Meeting 2 – Friday 17th January

Evaluation Meeting 3 – Tuesday 21st January

Evaluation Meeting 4 - Wednesday 22nd January

These will also be attended by the Probity Auditor and two members of the support team, who are there to help facilitate and capture decisions.

OET Report

The OET Report is due to the Secretary for Transport on 24 January 2020. All OET members are to have signed off the final version of the report prior to this date and to ensure their availability over the week commencing 20th January to be able to review the materials.

OET Members

Amelia East – MoT Project Director – OET Chair

Bryn Gandy – MoT – SRO and casting vote (if required)

Fiona Mules – Commercial Advisor

Sarah Sinclair – Legal Advisor

██████████ – Independent

Withheld to protect the privacy of natural persons

██████████ – Independent

We will not proactively publicise the membership of the OET, but we will need to disclose who has taken part to key decision makers and this information may become public under the Official Information Act.

Proactively released by
the Ministry of Transport