



Venues NSW Invites responses to this Request for Proposal for:

Exclusive Naming Rights Sponsor, Western Sydney Stadium

VNSW1718020

Part A – Overview & Conditions of Participation

Issue Date: Thursday 9 November 2017

Tender Briefing: 11.00am, 21 November 2017

Closing Date: Friday 12 January 2018

Closing Time: 10.00 am AEST



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For the purposes of this RFP, all inquiries should be directed to the Contact Officer specified in Section 6 of this document: Overview and Conditions of Participation (RFP - Part A).

REQUEST FOR PROPOSAL DISCLAIMER

Venues New South Wales, “Venues NSW” is not committed contractually or in any other way to respondents to this RFP request or to any other party. The issuing of this RFP does not commit or otherwise oblige Venues NSW to proceed with any further part or steps of the RFP process or negotiate with any respondents to the RFP process.

Whilst the information contained in this RFP has been formulated with all due care, Venues NSW does not warrant or represent that the information is free from any errors or omissions.

The information is made available on the understanding that Venues NSW (and the NSW Office of Sport) and its respective employees and agents shall have no liability (including liability by reason of negligence) for any loss, damage, cost or expense incurred or arising by reason of any person using or relying on the information and whether caused by reason of any error, omission or misrepresentation in the information or otherwise.

All interested entities and parties to this RFP are encouraged to undertake all necessary independent research in preparation of their responses.

Specific inquiries about this RFP should be directed to the Contact Officer in Section 6.

Other inquiries or issues are to be directed to Venues NSW via the email: tenders@sport.nsw.gov.au

CONCERNS AND COMPLAINTS

It is the NSW Government’s and Venues NSW’s objective to ensure that industry and the marketplace is given every opportunity to win Government contracts or agreements. Should any entity or organisation feel that it has been unfairly excluded from responding or unfairly disadvantaged by the Overview and Conditions (Part A) of this RFP, or the Statement of Requirements (Part B), it is invited to write to:

Attention: Chief Operating Officer

Venues NSW
Level 2, 6B Figtree Drive,
Sydney Olympic Park
NSW 2127

Alternatively, you can contact Venues NSW during normal business hours and ask to speak with the Chief Operating Officer

P: (02) 8754 7983



Exclusive Naming Rights Sponsor, Western Sydney Stadium RFP

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REQUEST FOR PROPOSAL – PART A – OVERVIEW

1 Outcomes

- 1.1 This Request for Proposal (“RFP”) is made by Venues NSW (“Venues NSW”) to seek an Exclusive Naming Rights Sponsor for Western Sydney Stadium.
- 1.2 Venues NSW is responsible for the delivery of the RFP process, through the NSW Office of Sport Finance and Procurement Branch. This RFP is a single stage procurement process.
- 1.3 Venues NSW is seeking RFP responses from interested respondents for an Exclusive Naming Rights Sponsor for Western Sydney Stadium.
- 1.4 As part of the single stage procurement process Venues NSW may shortlist preferred respondents, undertake further due diligence exercises, and invite respondents to negotiate with Venues NSW.
- 1.5 The key objectives of this RFP are to conduct a single stage competitive process being;
- an open market Request for Proposal in which Venues NSW will evaluate and shortlist responses that demonstrate overall value and align to the Venues NSW Mission (Section 8 of Part B); and
 - invite shortlisted respondents to enter into Direct Negotiations with Venues NSW.
 - subject to the outcome of those negotiations, offer one successful entity Exclusive Naming Rights Sponsorship at the Western Sydney Stadium for a Term of three years, with two options at the mutual agreement of Venues NSW and the Sponsor - the first option being for three years and the second for two years (3 x 3 x 2)
- 1.6 Any Agreement that may be formed from the RFP process will be executed by Venues NSW on behalf of the State of New South Wales. A draft Agreement and its Terms and Conditions can be sighted in Part D of this request.

2 Background

- 2.1 Venues New South Wales is a statutory authority established in 2012 under the Sporting Venues Authorities Act 2008 and sits within the NSW Office of Sport.
- 2.2 Venues NSW is the owner, coordinator and promoter of a portfolio of publicly-owned sports and entertainment venues in NSW. It raises revenue through commercial activities such as hiring venues to sports and entertainment organisations, event ticketing, hospitality and catering sales, and through advertising, leasing, membership naming rights and sponsorship arrangements.
- 2.3 The portfolio includes six venues: ANZ Stadium, McDonald Jones Stadium, Newcastle Entertainment Centre and Showground, WIN Stadium, WIN Entertainment Centre and the Western Sydney Stadium
- 2.4 The aim of this Request for Proposal (RFP) is to facilitate a selection process that results in a single successful Naming Rights sponsor to the Western Sydney Stadium, a new facility currently under construction on the site of the previous Parramatta Stadium.

3 Summary of Requirements

- 3.1 This Request for Proposal is for an Exclusive Naming Rights Sponsor, Western Sydney Stadium as detailed within Part B – Statement of Requirements.
- 3.2 Interested parties are invited to submit a response to the RFP to detail their capability and capacity to meet the mandatory requirements and their proposed sponsorship approach.
- 3.3 Interested parties are to formally respond as per the RFP response (Part C). Respondents must address all mandatory questions in order to be evaluated against the evaluation criteria in accordance with the approved evaluation plan.



- 3.4** Venues NSW will only consider responses that have and can demonstrate compliance with the Mandatory Criteria.
- 3.5** The overarching requirement is for an Exclusive Naming Rights Sponsor for Western Sydney Stadium who is identified as a highly reputable professional organisation and that is aligned to Venues NSW and the NSW Governments values and visions. (Section 8 of Part B);
- 3.6** The successful party will be required to adhere to the terms and conditions of an Agreement signed by both parties, a draft of which is shown in Part D – Agreement.
- 3.7 Agreement Period**
The Agreement Period is three years, with two options at the mutual agreement of Venues NSW and the successful sponsor, the first option being for three years and the second for two years (3 x 3 x 2)
- 3.8 NSW Government Requirements**
All parties responding to this RFP must comply with the codes, guidelines, and standards listed in the [NSW Government Code of Practice for Procurement](#).

4 RFP Process

4.1 Provisional RFP Program

Below is Venues NSW's provisional RFP program. Venues NSW may, at its absolute discretion, amend the provisional RFP program.

Milestone	Dates
RFP Published	9 November 2017
Tender Briefing	11.00 am 21 November 2017 (AEST)
RFP Close Date and Closing Time	10am Friday 12 January 2018 (AEST)
Estimated Date(s) for return correspondence with successful respondents and unsuccessful respondents as part of the RFP process.	Mid-February 2018
Negotiation and Awarding of Standing Offer Agreement	Mid-March 2018
Agreement Commencement Date	1 April 2018

5 Tender Briefing

- 5.1** A non-mandatory tender briefing will be held on the date, time, and place, indicated below. Interested parties are required to register at which time they will be given instructions on which meeting room the briefing will be held.
- 5.2** Register by email by contacting Pat Wilson pat.wilson@venuesnsw.com
- 5.3** Representatives from Venues NSW will be available at that time to answer any queries regarding this RFP and the Response process generally.

Location: ANZ Stadium,
Sydney Olympic Park
Date: 21 November 2017
Time: 11:00 am



6 Contact Officer

- 6.1 Respondents should refer all requests for information regarding this RFP to:
tenders@sport.nsw.gov.au
- 6.2 Any information given to a respondent to clarify any aspect of this RFP will also be given to all other respondents, if in Venues NSW's opinion, the information would unfairly favour the inquiring respondent over other respondents.

7 RFP Structure

7.1 Interpretation

Definitions of terms used in Parts A are contained in section 8 this Part A document.

7.2 This RFP comprises 4 Parts as follows:

- **Part A - Overview and Conditions of Participation**

This is an executive summary of the main outcomes, objectives, requirements and expectations for the Statement of Requirements. It provides the marketplace and respondents with the essential information to make an informed decision on whether to respond to this opportunity. The Conditions of Participation provides the terms, conditions and processes governing the RFP process.

- **Part B - Statement of Requirements**

This is a detailed description of the requirements to be achieved.

- **Parts C – RFP Response**

These are response schedules which are required by Venues NSW to evaluate the Respondents' submissions.

- **Part D – Draft Agreement**

The draft Agreement attached as Part D of this Request for Proposal is offered by Venues NSW as a starting point only for negotiations with the successful sponsor and does not require any compliance on the part of the respondent at this time.

7.3 The RFP comprises of the following Annexures / Schedules:

Appendix 1 to the Statement of Requirements being a series of drawings / artist impressions of what the completed Western Sydney Stadium will look like as well as a map

Appendix 2 to the Statement of Requirements being the details around Branding and Advertising Opportunities.

Appendix 3 to the Statement of Requirements being an extract from a report commissioned by Venues NSW carried out by Neilsen.

Respondents should retain Parts A, B, and D.

Part C– RFP Response, once completed, forms the respondent's submission and is to be submitted to NSW eTendering in accordance with Parts A, B and D.



REQUEST FOR PROPOSAL - PART A – CONDITIONS OF PARTICIPATION

8 Definitions

Unless the context indicates otherwise, the following terms, where used in Parts A-C of this RFP, shall have the meanings set out below.

“**ABN**” means an Australian Business Number as provided in GST law.

“**Addendum / Amendment**” means an addition or change to this RFP made by Venues NSW before Closing Date and Closing Time.

“**Agreement**” means the agreement entered into by the successful respondent and Venues NSW following the procurement process.

“**Alternative Response**” means a Non-Conforming Response that is intended to offer a different method of meeting the objective and intent of the requirement/s

“**Closing Date and Closing Time**” means the closing date and closing time for receipt of responses specified in the cover sheet of this RFP.

“**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 RFP. The Code can be viewed and downloaded by [clicking this Hyperlink](#)

“**Conforming Response**” means a response that conforms in all material aspects to:

- a) the Statement of Requirements;
- b) other Parts of this RFP; and
- c) is in the prescribed form.

“**Ethical Supply Chain**” is defined within the NSW ProcurePoint website.

“**Good Corporate Citizen**” means is a recognition that a business, corporation or business-like organisation, has social, cultural and environmental responsibilities to the community in which it seeks to operate, as well as economic and financial ones to its shareholders or immediate stakeholders

“**GST**” means Goods and Services Tax and has the same meaning as in the GST Law.

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

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

“**Non-Conforming Response**” means a response that does not conform in all material aspects to:

- a) the Statement of Requirements;
- b) other Parts of this RFP;
- c) the prescribed form.

“**Venues NSW**” means Venues New South Wales, the statutory authority (established in 2012 under the Sporting Venues Authorities Act 2008 and that sits within the NSW Office of Sport) and its successors in function;

“**Statement of Requirements**” means the detailed description of the requirements contained in Part B.



9 Response Preparation

9.1 Respondents to inform itself

Before submitting its response, a respondent must examine all information relevant to the risks and contingencies and other circumstances having an effect on its Response; and to fully satisfy itself:

- that the response is correct; and
- that the response is financially and practically viable.

10 Response Format

10.1 The Response (Parts C) is to be provided in Microsoft Word (.docx) format, Microsoft Excel (.xlsx) or PDF (.pdf) format only.

10.2 Respondents are required to submit the RFP Response as set out in Part C.

10.3 Submission of any additional attachments, for example supporting appendices, schedules, documentation are to be clearly itemised and referenced within Part C to the sections of the RFP to which they relate, and should be clearly labelled to allow for ease of assessment by the evaluation panel.

11 Eligibility of Response

11.1 Legal Entity of Respondent

Responses must be submitted by a legal entity or, if a joint response, by legal entities, with the capacity to contract. Venues NSW will only enter into an Agreement with such legal entity or entities.

Venues NSW may ask a respondent to provide evidence of its legal status or capacity to contract. If responses from entities propose to contract in their capacity as trustees, such evidence may include copies of the relevant trust deeds. Any evidence requested is to be provided within 3 working days of the request.

11.2 Financial Capability of the Respondent

Venues NSW reserves the right to reject any response if Venues NSW judges the respondent not to have appropriate financial capability.

Where Venues NSW forms the view that the respondent does not have the appropriate financial capability, Venues NSW reserves the right to make acceptance of any response conditional upon the respondent entering into a bank, parent company or personal guarantee, or an unconditional performance bond in a form satisfactory to Venues NSW.

11.3 ABN Requirements

Venues NSW will not enter into an Agreement with a company that does not have an Australian Business Number and is not registered for GST. Normally, respondents must be registered for GST and state their ABN and ACN in their response.

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 Venues NSW's discretion if the respondent demonstrates that it will obtain an ABN and GST registration before entering into an Agreement with Venues NSW. Such respondents must state how and when they intend to obtain an ABN and register for GST in their response.



12 Response Process

12.1 Contact Officer

Respondents should refer all requests for information regarding this RFP to the Contact Officer via the email address: tenders@sport.nsw.gov.au

Any information given to a respondent to clarify any aspect of this RFP will also be given to all other respondents, if in Venues NSW's opinion, the information would unfairly favour the inquiring respondents over other respondents.

Respondents must not contact:

- a) any other authority, agency or Department of the NSW Government, or
- b) any elected representative of the NSW Parliament;

to discuss this RFP, the preparation of a Response or any other element of their participation in the process for this RFP. Any inappropriate contact, solicitation, lobbying or canvassing of any parties as stated in (a) to (b) above, including employees of Venues NSW may lead to immediate exclusion from the selection process. A breach of this section shall be determined at the sole discretion of Venues NSW.

12.2 Conformity of Responses

The preference of Venues NSW is to receive Conforming responses.

Non-Conforming responses may be excluded from the RFP response process without further consideration at Venues NSW's sole discretion.

12.3 Alternative Responses

Respondents may, if they choose, submit an Alternative Response. An Alternative Response must be clearly marked "Alternative Response".

12.4 Prescribed Form of Response

The Response, including any Alternative Response, must comprise a completed Part C, and any attachments clearly itemised, as may be necessary. Any attachments, appendices or supporting documentation must be clearly labelled to identify those sections of the RFP / response to which they relate.

12.5 Submission of Responses

Responses and other information provided in the response are to be in writing and in English. References to costs or prices must be in Australian dollars.

Respondents must complete all Part C of this RFP, as directed and must not amend any of the questions provided.

Respondents should notify the Contact Officer in writing on or before the closing date and closing time if they find any discrepancy, error or omission in this RFP.

All responses must be provided electronically, in either Microsoft Word (.docx) or PDF forms.

When submitting an electronic response with supporting documentation:

- the complete response, including the supporting items must be submitted by the closing date and closing time, and
- supporting documentation and items provided by the respondent in support of its response, but excluding printed material, should be clearly designated as supporting items to the RFP to which they relate.

Respondents must ensure that all Excel or Word attachments can be opened and viewed by Microsoft Excel 2010 or Microsoft Word 2010.

It is recommended that electronic files be kept as small as reasonably practical and individual lodgement files must be below 7MB (multiple files of up to 7Mb can be lodged), as the limitations of the eTendering system may affect the successful submission and receipt of larger files.



12.6 Response Lodgement

Responses must be fully received by the Closing Date and Closing Time.

Responses must be submitted electronically to the electronic tender box for this RFP via the NSW eTendering website at: <https://tenders.nsw.gov.au> (respondents should log in as a system user, locate the web page for this RFP, and follow the on-screen instructions to lodge the response).

The lodgement can only be made by a registered system user of the NSW Government eTendering system.

12.7 Electronic Responses

A response submitted electronically will be treated in accordance with the Electronic Transactions Act 2000 (NSW), and given the appropriate level of confidentiality, probity and attention.

A respondent, by electronically lodging a response, is taken to have accepted conditions shown in the Conditions and Rules on the NSW eTendering website.

The files containing the respondent's response must be up-loaded through the website to the NSW Government eTendering system. Access to the up-loading process is through the blue "Lodge a Response" link, followed by the steps and instructions on the NSW eTendering website and any instructions which may have been supplied with the RFP documents, advertisement or invitation.

12.8 All respondents must observe the following format for lodgements:

- a) An electronically lodged response must be lodged in a file format required by the RFP.
- 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 RFP other than to insert the required information.
- d) The file/s name/s must have an extension and not have invalid characters or file names/loading pathnames too long for the system.

12.9 Signatures are not required for electronic responses. 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.

12.10 Electronically submitted responses may be made corrupt or incomplete, for example by computer viruses. Venues NSW may decline to consider for acceptance a response that cannot be effectively evaluated because it is incomplete or corrupt. Respondents must 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, and
- b) electronically submitted files are free from viruses by checking the files with an up to date virus-checking program before submission.

12.11 Venues NSW will not be responsible in any way for any loss, damage or corruption of electronically submitted responses.

12.12 If a respondent experiences any persistent difficulty with the NSW eTendering website in submitting a response or otherwise, it is encouraged to advise the Contact Officer promptly in writing, without delay at tenders@sport.nsw.gov.au:

- a) if there is an extended defect or failure of the eTendering system and Venues NSW is advised, the response Closing Date and Closing Time will be extended provided that, in the view of Venues NSW, the RFP process will not be compromised by such an extension.
- b) Responses must be fully received by the Closing Date and Closing Time.



12.13 Respondents may break down the lodgement of large responses into smaller packages if clearly identified e.g. package 1 of 3; package 2 of 3; package 3 of 3.

12.14 If a respondent provides multiple lodgements, the latest response received will be the response to be evaluated unless the respondent provides clear directions to whether the lodgement is:

- a) an Alternative response;
- b) supporting information;
- c) a further part of a response that has had previous lodgement.

12.15 Late Responses

Responses must be lodged to the NSW eTendering system by the Closing Date and Closing Time. Late responses will not be considered, except where Venues NSW is fully satisfied that the integrity and competitiveness of the process will not be compromised.

Where the cause of the late lodgement was due to force majeure, the respondent must clearly provide evidence of the circumstances to the satisfaction of Venues NSW. It is the sole responsibility of the respondent to provide suitable evidence of the force majeure in a timely manner.

Venues NSW shall not penalise any interested party whose response is received late if the delay is due solely to mishandling by Venues NSW.

12.16 Extension of Closing Date and Closing Time

Venues NSW may, in its discretion, extend the Closing Date and Closing Time.

12.17 Corruption or Unethical Conduct

Respondents must comply with the requirements of the NSW Department of Finance, Services and Innovation - Statement of Business Ethics <https://www.finance.nsw.gov.au/about-us/business-ethics>. A respondent must disclose any conflicts of interests (perceived or actual) in Part C.

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 Venues NSW or the NSW Government in connection with this RFP or the submitted Response;
- b) Committed corrupt conduct in the meaning of the Independent Commission Against Corruption Act 1988; or
- c) A record or alleged record of unconscionable and unethical behaviour; or has not complied with the requirements of NSW Venues NSWs Statement of Business Ethics

this may result in the response not receiving further consideration.

Venues NSW may, in its discretion, invite a respondent to provide written comments within a specified time before Venues NSW excludes the respondent on this basis.

If Venues NSW becomes aware of improper conflict of interest by a successful respondent after the Agreement has been executed, then Venues NSW reserves the right to terminate the Agreement.

12.18 Code of Practice for Procurement

In submitting its response, the respondent signifies agreement to comply with the Code.

Failure to comply with the Code may be taken into account by Venues NSW when considering the respondents response or any subsequent response, and may result in the response being passed over.

[Code of Practice can be view by clicking this hyperlink](#)



12.19 Addenda to RFP

If, for any reason Venues NSW, at its sole discretion, requires the RFP to be amended before the Closing Date and Closing Time, an addendum will be issued.

In each case, an Addendum becomes part of the RFP.

During the response period, Venues NSW may issue amendment altering the RFP. In such cases, it is the obligation of the respondent to verify if any amendment were issued prior to closing date, even if a response has already been submitted.

Respondents must check the [NSW eTendering website](#) address and download the Addendum or Amendment.

12.20 Respondents Costs

The respondent acknowledges that Venues NSW will not be liable to it for any expenses or costs incurred by it as a result of its participation in this RFP, including where the RFP has been discontinued.

12.21 Custody of Responses after Receipt

On receipt of responses lodged electronically to the NSW eTendering system, responses are encrypted and stored in a secure “electronic tender box.”

For reasons of probity and security, Venues NSW and its agent are prevented from interrogating the electronic response box to ascertain whether responses have been received or for any reason, until after the Closing Date and Closing Time.

The e-mail receipt that is sent to a system user lodging the response after successfully lodging the response electronically to the NSW eTendering system is the only evidence of response lodgement provided.

12.22 Ownership of Responses

All responses become the property of Venues NSW on submission.

Venues NSW may make copies of the responses for any purpose related to this RFP.

12.23 Discontinuance of Response Process

Where Venues NSW determines that proceeding with the RFP would not be in the public interest, Venues NSW reserves the right to discontinue the RFP process at any point, without making a determination regarding acceptance or rejection of responses.

12.24 Variations to Responses

At any time after the Closing Date of responses and before any response received in response to this RFP is accepted, a respondent may, subject to section 12.24b, vary its response:

- a) by providing Venues NSW with further information by way of explanation or clarification;
- b) by correcting a mistake or anomaly; or
- c) by documenting agreed changes to the response negotiated under section 1.4 of this Part A.

Such a variation may be made either:

- a) at the request of Venues NSW, or
- b) with the consent of Venues NSW at the request of the respondent; but only if,
 - (i) in the case of variation requested by the respondent under section 12.24 a)-b), it appears to Venues NSW reasonable in the circumstances to allow the respondent to provide the information or correct the mistake or anomaly; or
 - (ii) in the case of variation under section 12.24 c), Venues NSW has confirmed that



the draft-documented changes reflect what has been agreed.

If a response is varied in accordance with section 12.24 a) or b), Venues NSW will provide all other respondents whose responses have similar characteristics with the opportunity to vary their responses in a similar way.

A variation of a response under section 12.24 will not be permitted if in Venues NSW's view:

- a) it would substantially alter the original response; or
- b) in the case of variation under section 12.24 (a) or (b), it would result in the revising or expanding of a response in a way that would give a respondent an unfair advantage over other respondents.

13 Evaluation Process

13.1 Evaluation Process

Responses will be assessed against the evaluation criteria listed below which are not indicated in order of significance or given equal weight.

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 evaluation criteria listed in this RFP.

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

Venues NSW may assess an Alternative Response against the evaluation criteria where submitted with a Conforming Response.

13.2 Evaluation Criteria

RFP responses will be assessed (and shortlisted) against the following criteria:

- Mandatory Compliance with Part A, Overview and Conditions of Participation;
- Statement of Compliance signed by authorised officer of responding organisation;
- Response received prior to closing date and time.

Responses that have met the above Mandatory Criteria will be assessed against the following Evaluation Criteria (shown in no particular order):

- Respondent's overarching missions, values and alignment to the Venues NSW Mission and Guiding Principles.
- Respondent's intended approach to the Sponsorship proposed, whether cash or a combination of "in-kind" and cash is being proposed.
- Respondents demonstrated capability and capacity to resource and manage a Large Sponsorship agreement.
- Respondents capability to attract new business / events to the Western Sydney Stadium.
- Value Added Services

Note that the financial input of the sponsorship (cash) will be valued higher than "in-kind" sponsorship.



Venues NSW may in its discretion and as part of the evaluation process:

- a) request and conduct interviews with a respondent's personnel;
- b) request a presentation of their proposal. A respondent shall be prepared to make any such reasonable presentation at its own cost;

Conducting any process or processes as outlined in section 13.3 in no way represents a commitment by Venues NSW to accepting any aspect of a respondent's response.

All information obtained during the course of interviews or presentation may be taken into consideration in the evaluation of responses.

13.3 Acceptance or Rejection of Responses

Venues NSW may assess an Alternative Response against the assessment criteria where submitted with a Conforming Response.

Venues NSW expressly reserves the right to accept, in its discretion, either or both of the following:

- a) Any Alternative Response or part of an Alternative Response, where submitted with a Conforming Response; and
- b) Any other Non-Conforming Response or part of a Non-Conforming Response (not, in either case, being an Alternative Response or part of an Alternative Response) that, in Venues NSW's opinion is substantially a Conforming Response.

If Venues NSW rejects all the responses received it may invite fresh responses based on the same or different criteria (specifications and details contained in Alternative Responses will not be used as the basis for the calling of new responses).

13.4 Exchange of Information between Government Agencies

Lodgement of a response will itself be an authorisation by the respondent to Venues NSW to make available, on request, to any NSW government agency information, including but not limited to, information dealing with the respondent's performance on any Agreement that may be awarded. Such information may be used by the recipient NSW Government agency for assessment of suitability for acceptance, selective response lists, expressions of interest or the award of an agreement or termination of an agreement.

The provision of the information by Venues NSW to any other NSW Government agency is agreed by the respondent to be a communication falling within section 30 of the Defamation Act 2005 (NSW), and the respondent shall have no claim against Venues NSW 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

In the evaluation of responses, Venues NSW may take into account any information about the respondent that Venues NSW receives from any source.

In the avoidance of doubt, information that 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 Venues NSW to collect such information from third parties, and to use and exchange such information in accordance with this section.

14 Notification of Short-listing

- 14.1** No Respondents shall be deemed to have been short-listed until the respondent has been notified of such by Venues NSW in writing.



15 Disclosure Information

- 15.1** Following Venues NSW's decision, all respondents will be notified in writing of the outcome of their RFP Response.
- 15.2** Details of a response and the outcome of the response process will be disclosed in accordance with the Government Information (Public Access) Act (NSW) 2009 and the Premier's Memorandum 2007-01.
- 15.3** An outline of these requirements can be found at [NSW ProcurePoint by clicking this hyperlink](#)

16 Complaints Procedure

It is the NSW Government's and the Venues NSW's objective to ensure that industry and the marketplace is given every opportunity to win Government contracts or agreements. Should any entity or organisation feel that it has been unfairly excluded from responding or unfairly disadvantaged by the Overview and Conditions (Part A) of this RFP, or the Statement of Requirements (Part B), it is invited to write to:

Attention: Chief Operating Officer

Venues NSW
Level 2, 6B Figtree Drive,
Sydney Olympic Park
NSW 2127

Alternatively, you can contact Venues NSW during normal business hours and ask to speak with the Chief Operating Officer

P: (02) 8754 7983

