



REQUEST FOR TENDER
REGISTRY TRANSFORMATION PROJECT

1 September 2017

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1. BACKGROUND

.au Domain Administration Limited (**auDA**) (<http://www.auda.org.au>) is a non-profit company, limited by guarantee, established as the administrator of, and the Australian self-regulatory policy body for, the .au country code top level domain (**ccTLD**) and its associated second level domains.

auDA was incorporated in 2000, following deliberations involving the Australian Government and a range of Australian Internet industry stakeholders. Under its constitution (<https://www.auda.org.au/about-auda/our-org/constitution>), auDA has members from the Australian Internet Community consisting of Demand Class and Supply Class members.

auDA is endorsed by the Australian Government (<https://www.iana.org/reports/2001/au-redelegation/alston-to-watson-31dec00.html>) as the organisation to hold the delegation of authority by the Internet Corporation for Assigned Names and Numbers (**ICANN**) for administrative authority of the .au ccTLD. The Delegation Record is available at: <https://www.iana.org/domains/root/db/au.html>.

.au is used by millions of Australian businesses, organisations and individuals every day. It is auDA's role to maintain the operational stability and utility of the .au ccTLD and more generally, to enhance the benefits of the Internet to the wider community. auDA's role also includes ensuring a cost effective administration of the .au ccTLD and its sub-domains.

The Registry Transformation Project Request for Expressions of Interest dated 29 May 2017 (**REOI**) and this Request for Tender (**RFT**) is consistent with recommendation 1A.e. of the 2012 Industry Advisory Panel <https://www.auda.org.au/pdf/2012iap-final-report.pdf> and the auDA Competition Model Advisory Panel Final Report issued in June 2001 <https://www.auda.org.au/pdf/cmap-model-final.pdf>.

2. REGISTRY TRANSFORMATION PROJECT

2.1. Procurement Process Background

auDA has decided to conduct a tender process to select a provider to provide services for the .au registry. As an initial scoping exercise, auDA released the REOI for the Registry Transformation Project on 29 May 2017 (<https://www.auda.org.au/assets/pdf/EOI-Registry-Transformation-Project.pdf>). Responses to the REOI closed on 26 June 2017.

The auDA Registry Transformation Project Evaluation Committee completed a thorough review of the responses to the REOI and the auDA Board subsequently resolved to undertake a formal request for tender process.

Consistent with auDA's approach to open and transparent processes, and given the .au registry is a key piece of national infrastructure, this RFT process is part of the market exercise to ensure the value, accountability and performance of procuring a best-in-class registry.

2.2. Purpose of RFT

auDA intends to appoint a service provider to provide services for the .au registry, being the services and functional requirements described in the Registry Technical Specification in Annexure A (**Services**). Only respondents to the REOI are invited to submit a response to this RFP. A response to this RFT must be in accordance with the terms and conditions set out in this RFT.

Without limiting the scope of the Services described in the Registry Technical Specification, auDA intends for the Services to include:

- registry services for the direct registration of domain names in .au at the top-level (e.g. example.au);
- registry services for second-level domain name spaces including, com.au, net.au, org.au, asn.au, id.au, conf.au, gov.au, edu.au, wa.au, nt.au, sa.au, qld.au, nsw.au, act.au, vic.au and tas.au;
- registry services for third, fourth and fifth level domain name spaces within gov.au and edu.au as set out in the Registry Technical Specification;
- the following specific registry services: registration services, the registration data directory services (WHOIS) and the Authoritative DNS nameserver services associated with the .au ccTLD and its associated sub-domains;
- receipt and maintenance of data concerning registrations and delegations from registrars; and
- provision of domain name status information and support services to registrars.

Respondents must respond with an offer to provide all of the Services described in the Registry Technical Specification, and are permitted to partner with a third party supplier to prepare a joint response to this RFT.

Following evaluation of the responses to this RFT, auDA may commence negotiations for a Registry Licence Agreement with one or more respondents. auDA expects that the key principles set out in Annexure B of this RFT (**Key Principles**) will be included in the Registry Licence Agreement.

auDA intends to have all arrangements in place to support the delivery of the Services, by July 2018.

3. REGISTRY TRANSFORMATION PROJECT GOALS

The Services required for the Registry Transformation Project must support auDA to:

- a. deliver clear and effective separation between policy and operation functions in the administration of the .au ccTLD and its associated second level domains;
- b. maintain and further enhance trust with the Australian Government and the Australian community;
- c. maintain and promote the operational stability and utility of the .au ccTLD;
- d. become a world leader in ensuring the security, confidentiality, integrity and availability of the data associated with the three main elements of the registry: Registration Service, WHOIS service, and the Authoritative DNS name services associated with the .au ccTLD and its associated second level domains;

- e. in the longer term, be recognised as an ICANN Emergency Back-End Registry Operator (**EBERO**) capable of providing back-up services for generic Top Level Domains (**gTLDs**) and ccTLDs in the Asia-Pacific region; and
- f. establish systems that support a data science and a data analytics capability within auDA, to gain insights from the registry data to help support functions such as compliance and future policy development, as well as support future commercial opportunities.

4. KEY DATES & DETAILS

The key dates and details to be aware of when responding to this RFT are set out below.

Item	Details	
Key Dates	Issuance of the RFT	Friday 1 September 2017
	auDA Registry Transformation Project briefing sessions	Week beginning 4 September 2017
	Closing Date and Time for RFT (Closing Date & Time)	23:59 UTC Monday 25 September 2017
	auDA consideration of tender responses – during this stage additional information may be sought from respondents and face-to-face or telephone interviews may be conducted	During October 2017
	auDA to commence contract negotiations with one or more respondents	During November 2017
Required format for RFT response	<p>All responses must be complete and submitted in accordance with the format requirements set out in sections 5 and 6.</p> <p>All responses must be created (or fully compatible) with Microsoft Office 2016, Microsoft Project 2016, or Adobe Acrobat Reader 2016.</p> <p>All documents must be in English.</p>	
Lodgement Requirements	<p>All responses must be lodged by the Closing Date & Time.</p> <p>All respondents must email auDA’s Project Lead at rtp@auda.org.au to request access to auDA’s online secure repository (RFT Repository) before the Closing Date.</p>	
auDA’s Project Lead	<p>Dr Bruce Tonkin Project Lead – Registry Transformation Project Level 17, 1 Collins Street, Melbourne, Victoria, 3000, Australia rtp@auda.org.au</p>	

Item	Details
Validity Period	The terms of the response to this RFT must remain valid for 12 months from the date of receipt by auDA.

5. REQUIRED INFORMATION

Respondents must submit their response in separate electronic files according to the structure shown in the table below. Respondents must respond to this RFT using Templates 1, 2, 3, 4 and 5 attached. Please note that some of these template forms will require the respondent to upload additional supporting material.

Response Document	Requirements / Template Form
Confirmation Letter	Requirements described in section 5.1
Executive Summary	Requirements described in section 5.2
Compliance with Technical and Operational Specifications	Complete Template 1 attached
Detailed Responses to Technical and Operational Specifications	Complete Template 2 attached
Detailed Responses to Project Goals & Risks	Complete Template 3 attached
Registry Services Price Quote	Complete Template 4 attached
Financial Due Diligence Assessment	Complete Template 5 attached
Qualifications and References	Requirements described in section 5.3

All tender responses received by the Closing Date & Time, and which include all of the required information above, will be evaluated against the evaluation criteria.

5.1. Respondent Confirmation Letter

Respondents must provide a confirmation letter, as a separate file entitled "Respondents-Name Confirmation" (please replace 'Respondents-Name' with your company's acronym). The signatory to this confirmation letter must have appropriate delegation of authority to sign and confirm the matters contained in the letter.

The confirmation letter should be prepared by the respondent and must confirm the following:

- by submitting a response to this RFT, the respondent confirms that it understands and agrees to the terms and conditions of the RFT set out in this document;

- the respondent's response to this RFT constitutes an offer to provide the Services and will remain valid for 12 months from the date of receipt by auDA;
- the respondent is prepared to enter into discussions and negotiations in good faith with auDA and is committed to taking appropriate action to conduct such negotiations in a constructive and timely manner; and
- the names and positions of persons with the delegated authority to represent the respondent to negotiate and enter into a new agreement with auDA.

The confirmation letter must also include a declaration of any current or potential conflicts of interest, including if the respondent itself or any related entity is directly or indirectly involved in any trade, business or undertake as an auDA Accredited Registrar.

5.2. Respondent Executive Summary

Respondents must provide, as a separate Microsoft Word document, a file entitled "Respondents-Name Executive Summary" (please replace 'Respondents-Name' with your company's acronym). The executive summary must not exceed two pages in length (excluding title page), and no appendices or specific references to additional information will be accepted.

The executive summary should be prepared by the respondent and addressed to auDA's executive management team. Respondents should summarise their offering, approach and value in relation to the Registry Transformation Project. Respondents must not, under any circumstances, include any financial information or estimated savings in the executive summary.

5.3. Respondent Qualifications and References Document

Respondents must provide, as a separate file entitled "respondents-Name Qualifications and References" (please replace 'respondents-Name' with your company's acronym).

The qualifications and references document must contain the following:

- *Corporate Information:* respondents must provide a narrative describing the respondent's background, history, services, and corporate organisation;
- *Strategic Direction:* auDA places strong emphasis on the need for a long-term strategy. Respondents must describe their strategic direction, and the implications of the strategy for auDA. Respondents must also indicate the relative size that a future Registry Licence Agreement with auDA would be in relation to the respondent's overall business;
- *Approach to Quality:* respondents must provide details of their approach to measuring and maintaining high-quality services. Respondents must provide details of any industry-recognised quality standard to which it is, or will become, compliant (including a timeframe for compliance, if not already achieved), as well as awards received during the last 18 months; and
- *References:* respondents must list 3 of their references where similar services are provided (i.e. similar scope of services, geographies, industry, and scale as auDA and its Registry Transformation Project). Respondents must include a contact name, title, address, and phone number for each of the references provided. Respondents must also

provide a brief description of the services provided for each reference and must take all reasonable action to ensure that auDA is able to have appropriate access to each reference nominated by the respondent.

6. RESPONSE FORMAT & CONTENT

6.1. Response Format

This section contains instructions about the format and content of a respondent's response to this RFT. auDA may, at its discretion, reject any response that does not comply with the requirements in this section 6 or any other terms and conditions in this RFT.

Respondents must use the five electronic template forms attached and prepare the documents set out in section 5.

The documents created by the respondent should be formatted as follows:

- Paper size: A4 size.
- Minimum font size: 11 point (except for footnotes, headers, or footers).
- Ready for printing: all electronic files submitted will be pre-formatted for printing.
- Except where otherwise requested, all documents relating to respondent's response and all communications with auDA must be in the English language.
- Monetary amounts in the respondent's response are to be expressed in Australian dollars.
- All electronic files submitted should be created in Microsoft Office 2016, Microsoft Project 2016, or Adobe Acrobat Reader 2016.

All respondents should replace 'Respondent-Name' in the title of each template form with their company acronym.

6.2. Response Content

The respondent must comply with the terms and conditions of this RFT and must respond to the requirements contained in this document and each template form attached.

The respondent's response will form a critical basis of auDA evaluation process. Respondents should provide clear, concise, and reasonable responses. Respondents should not postpone a response. "*Respondent would be happy to discuss this at a later time*" is an example of a postponed response.

7. EVALUATION CRITERIA

auDA will take the criteria set out in this section 7 into account when reviewing a response to this RFT.

a. Price (weighting 35%)

This includes consideration of the annual (per domain) cost of administering registry services for between 3 and 4 million domains in the .au ccTLD.

b. Financial Capability (weighting 10%)

This includes consideration of the financial capability of the respondent to both build the .au registry and operate the .au registry for the period of the contract, and its capacity to provide the managerial, technical and physical resources to deliver the Services during the required time period.

c. Technical and Operational Capability (weighting 35%)

This includes consideration of the respondent's:

- ability to perform the Services that meet or exceed the Registry Technical Specification;
- security capabilities with respect to security, confidentiality, integrity and availability;
- quality and completeness of its responses to the Registry Technical Specification requirements; and
- ability to commit to auDA's proposed service levels, the overall service level methodology, and the commitment to continuous improvement of service levels.

d. Project Goals (weighting 10%)

This includes consideration of the respondent's commitment and ability to:

- meet and deliver on the Registry Transformation Project goals;
- minimise switching costs for existing accredited registrars to the new registry system (if any);
- make changes to software to customise for auDA's requirements and the degree of ongoing innovation;
- continuously improve processes;
- engage and build trust with the Australian Government and the Australian Internet Community (including registrars, auDA members, the Australian Government, and users of .au);
- contribute to relevant policy developments in Australia and internationally;

- share knowledge, identify skills gaps, and build relationships; and
- demonstrate insight into auDA's regulatory and operating environment.

e. Risk Management (weighting 10%)

This includes consideration of the respondent's:

- proposed management and technical personnel nominated to provide Services and the respondent's commitment to retaining these key personnel;
- experience and performance history in applying services to a top level domain of similar scale and complexity of the .au ccTLD;
- quality of plan for transitioning-in and transitioning-out of registry services (including the adequacy and appropriateness of the description of the methods, practices, tools and techniques);
- quality, adequacy and appropriateness of the proposed business continuity and disaster recovery plan;
- approach to change management at an organisational and operational level;
- approach to monitoring and responding to regulatory (e.g. privacy) changes and security and cyber threats;
- approach to monitoring and responding to cyber security incidents; and
- willingness to accept the Key Principles.

8. BRIEFING SESSIONS

auDA will hold briefing sessions for potential respondents to this RFT, via telephone conference in the **week beginning 4 September 2017**. Please send a request to rtp@auda.org.au if you would like to attend. auDA will then provide the telephone conference call information.

9. NEXT STAGE OF THE RFT PROCESS

After evaluating the responses to this RFT, auDA may, without limiting other options available to it, do any of the following:

- prepare a short list of respondents and invite further detail from any short listed respondents in relation to their responses to this RFT (this may include an interview to be conducted by auDA and / or its advisers);
- conduct negotiations for the future Registry Licence Agreement with one or more respondents to procure the Services; or
- decide not to proceed further with the RFT process or any other procurement process for services, products or technology in connection with the Registry Transformation Project.

10. LODGEMENT OF RESPONSES

The closing date for responses to this RFT is **23:59 UTC Monday, 25 September 2017**

All respondents must email auDA's Project Lead at rtp@auda.org.au to request access to the RFT Repository before the Closing Date.

All responses to this RFT must be uploaded to the RFT Repository before the Closing Date & Time.

If you would like to ask any questions regarding the process for responding to this RFT, please contact the auDA Project Lead by email.

Any responses submitted after the Closing Date & Time may only be accepted at auDA's discretion.

Respondents who are unable to meet the Closing Date & Time should discuss their concerns with auDA's Project Lead prior to that date.

auDA may, at its discretion, extend the Closing Date & Time.

11. RIGHTS TO VARY

Notwithstanding anything else in this RFT, auDA reserves the right, in its absolute discretion at any time, to vary or extend any time or date specified in this RFT for all or any respondents, or terminate the participation of any respondent or any other person in the RFT process.

auDA also reserves the right at any time and for any reason to require additional information from respondents, change the scope of its requirements or the process and steps set out in this RFT.

12. REQUESTS FOR CLARIFICATION

Any questions or requests for clarification or further information regarding this RFT or the RFT process must be submitted to auDA's Project Lead by email. auDA is not obliged to respond to any question or request for clarification or further information.

auDA may make available to other prospective respondents details of such a request for clarification together with any response, in which event those details shall form part of this RFT.

13. UNAUTHORISED COMMUNICATION

Communications (including promotional or lobbying activities) with staff and / or directors of auDA is not permitted during the RFT process except as provided in this RFT, or otherwise with the prior written consent of auDA's Project Lead.

This does not prevent communications with staff of, or consultants to, auDA to the extent that such communications do not relate to this RFT or the RFT process.

Respondents must not provide any form of incentive to auDA representatives during this RFT process.

14. CORRECTION OF ERRORS

If a respondent identifies an error in their RFT response after lodgement (excluding clerical errors which would have no bearing on the evaluation), they must promptly notify auDA.

auDA may, at its discretion, permit a respondent to correct an unintentional error in its response where that error becomes known or apparent after the RFT closing time. No correction will be permitted if auDA reasonably considers that the correction would materially alter the substance of the respondent's response.

15. PRIVACY AND CONFIDENTIALITY

auDA will retain all documents and materials supplied as part of a respondent's response to this RFT and may make use of any information or materials supplied for any purpose reasonably related to this RFT, including release to external consultants and advisers of any organisation engaged to assist with the RFT process.

Any personal information provided to auDA as part of this RFT process or respondent's response will be handled and protected in accordance with auDA's privacy policy (<https://www.auda.org.au/policies/privacy/>).

Respondents must not make blanket claims of confidentiality in respect of their response but, if necessary, respondents may clearly mark any information which they wish to have treated as confidential information. auDA will use reasonable endeavours to protect the respondent's confidential information.

auDA may make periodic public statements concerning the progress of the RFT process, which may include the name of organisations or individuals that have submitted responses to this RFT.

The respondent must maintain in confidence the contents of its response to this RFT, any material supplied to it by auDA which auDA nominates as confidential, and the fact and contents of any discussions or interviews with auDA. The respondent will only disclose such information to other professionals it engages to assist it in this RFT process or where required by law.

16. CONFLICT OF INTEREST

Except to the extent identified as part of a respondent's response to this RFT, the respondent represents and warrants that they are not in a position which may, or does, give rise to an actual, potential or perceived conflict of interest with this RFT.

17. ADDITIONAL TERMS & CONDITIONS

17.1. Acceptance of Terms & Conditions

Without limiting any other term or condition in this RFT, a respondent will, by lodging a response to this RFT, be deemed to have accepted all the terms contained in this RFT.

17.2. Offer to Contract

This RFT does not constitute an offer by auDA to enter into an agreement or any contract for the provision of the Services or any other products, technology or services.

No action or inaction in relation to this RFT or any response submitted by a respondent, creates any contract or binding obligations of any kind upon auDA. auDA makes no representation in relation to any evaluation process for any responses submitted or that any respondent will be selected.

auDA reserves the right to amend or terminate the RFT process at any time. auDA is not obliged to provide reasons for its actions.

17.3. Validity of Response

The respondent's response must remain valid and open for acceptance at least until the end of the Validity Period set out in section 4.

17.4. Responsibility for Costs

Respondents bear their own costs and expenses (including any advisory costs) associated with the process and the preparation of a response to this RFT.

17.5. Overseas Respondents

Overseas-based organisations and individuals are eligible to respond to this RFT.

17.6. Consortium

Where the respondent is a member of a consortium, their response must stipulate which parts of the Services, products and / or technology that each entity comprising the consortium would provide, and how the parties would relate to each other to ensure provision of the required Services, products and / or technology.

All consortium members are to provide details relating to their legal structure and where applicable provide details of any special purpose vehicle established (or proposed) for the supply of the Services, products and / or technology in connection with their response to this RFT.

17.7. Collusive or Anti-Competitive Conduct

Respondents and their officers, employees, agents, advisers and representatives must not engage in any collusive, anti-competitive or similar conduct with any other respondent or any other person in relation to the preparation, content or lodgement of their response.

In addition to any other remedies available to it under law or any contract, auDA may, in its absolute discretion, disqualify a respondent that it considers has engaged in any such collusive or anti-competitive conduct.

17.8. Intellectual Property

Persons obtaining or receiving this RFT and any other documents issued in relation to this RFT may only use them for the purpose of preparing a response to this RFT.

All intellectual property rights in this RFT and any information provided by auDA to any respondent in relation to this RFT are retained by auDA.

Intellectual property rights may exist in this RFT or any other documents provided to the respondents by or on behalf of auDA, and where those intellectual property rights are owned or otherwise held by auDA, the respondent must not do anything that would endanger, be inconsistent with, or challenge those rights.

17.9. No Warranties or Representations

This RFT contains statements derived from information which auDA believes to be reliable at the date obtained, but does not purport to provide all of the information which may be necessary or desirable to enable respondents to determine whether to submit a response to this RFT.

It is a respondent's responsibility to examine this RFT, examine all other information available on reasonable enquiry and satisfy itself as to the completeness and sufficiency of its response.

While every attempt has been made to ensure the accuracy of details in this RFT, auDA makes no warranty or representation as to the currency, accuracy, reliability or completeness of the content of this RFT (and the contents cannot be relied upon).

The respondent represents and warrants that its response to this RFT is true, accurate and not misleading.

The respondent must promptly inform auDA of any material change in circumstances that affects the truth, completeness or accuracy of any of the information provided by that respondent or its ability to participate in the RFT process or perform the Services.

17.10. Reliance

auDA may rely on any statements made by a respondent (including their employees, contractors, advisors and agents) in their response to this RFT, any written or verbal communications and in any negotiations with auDA.

If auDA believes a respondent has made any false or misleading statements, auDA may exclude their response from the evaluation process at any time.

The respondent must promptly notify auDA if any matter in their response changes after the Closing Date & Time. This obligation continues until such time as a respondent is notified by auDA that they have not qualified to participate in any subsequent stage of the RFT process, or upon execution of a Registry Licence Agreement in relation to this RFT.

17.11. Liability

To the maximum extent permitted by law, auDA excludes all liability for all loss or damage (including consequential loss or damage), suffered or incurred by any person, firm or company, as a result of the use of, or reliance on this RFT or any further information or representations made by auDA, in any form, in relation to this RFT, or otherwise in connection with this RFT however caused, whether in contract, tort (including negligence), in equity, under statute or on any other basis.

17.12. auDA Decisions

auDA's decisions are final and auDA is not required to provide feedback to unsuccessful respondents.

17.13. Language and Statutory Units

All documents relating to the respondent's response and all communications between the respondent and auDA must be in the English language, and all measurements and quantities will be metric. All monetary amounts in the respondent's response are to be expressed in Australian dollars.

17.14. Governing Law

This RFT is governed by the laws applying in the State of Victoria in Australia. The respondent must comply with all relevant laws in preparing its response and in taking part in the RFT process. The respondent submits to the non-exclusive jurisdiction of the courts of Victoria, Australia.