



# REQUEST FOR EXPRESSIONS OF INTEREST

## REGISTRY TRANSFORMATION PROJECT

29 MAY 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.

This Request for Expressions of Interest (**REOI**) 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

auDA has decided to conduct a tender to enable auDA to build and operate a dedicated .au registry (**Registry Transformation Project**). This REOI is the initial scoping exercise of the Registry Transformation Project and is intended to:

- enable auDA to clearly define the parameters of a subsequent restricted tender process in which respondents to this REOI may be invited to participate; and
- assess potential suppliers and options to enable and support auDA in undertaking the Registry Transformation Project.

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

The scope of products, technology and services required to enable auDA to build and operate a dedicated .au registry may be varied and extend beyond those services provided to auDA to date. This may include appointing a third party (or parties), or enabling auDA (or a subsidiary) itself, to self-supply or provide certain registry services, along with the additional services described in this REOI.

Without limiting the above, auDA intends for the Registry Transformation Project to include:

- registry services for the direct registration of domain names in .au at the top-level;

- 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*;
- the following specific registry services: Registration services, the WHOIS service and the Authoritative DNS name services associated with the *.au* ccTLD and its associated second level domains. These services are further described in Section 7 below.

The scope of all aggregate products, technology and services provided by respondents (along with those that auDA provides to itself) must align with auDA's Registry Transformation Project Goals, which are described in Section 3 below.

Respondents can respond with products, technology and / or services for all or part of the elements of the Registry Transformation Project, and are free to partner with other respondents to put together combined proposals.

auDA intends to establish a dedicated *.au* registry, and have all arrangements in place to support this, by 30 June 2018.

### **3. REGISTRY TRANSFORMATION PROJECT GOALS**

The products, technology and 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 country-code Top Level Domains (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. PURPOSE OF THIS REQUEST FOR EXPRESSIONS OF INTEREST**

In addition to those matters set out above, this REOI is intended to enable auDA to (amongst other things) gain a more detailed understanding of the supplier market and range of solutions that may be available.

This REOI is intended to be the first stage of a multi-stage procurement process.

Accordingly, this REOI seeks to solicit proposals from suitably qualified and experienced organisations and individuals that are able to provide products, technology and / or services to enable auDA to build and operate a best-in-class dedicated .au registry.

Expressions of Interest (**EOI**) should include the required information outlined in Section 6 below.

## 5. INDICATIVE TIMEFRAMES

Event	Time and Date
Issuance of the Request for Expressions of Interest	Monday, 29 May 2017
auDA Registry Transformation Project briefing session	21:00 UTC Monday, 5 June 2017
Due Date for Expressions of Interest	23:59 UTC Monday, 26 June 2017
auDA consideration of responses - during this stage additional information may be sought from respondents and face-to-face or telephone interviews may be conducted	27 June 2017 to 21 July 2017
auDA to announce next steps	Week beginning 24 July 2017

## 6. REQUIRED INFORMATION

Respondents must provide the following information in their EOI:

- summary of the respondent, including the full name of the corporate entity or individual and a description of their primary business;
- if the respondent is a corporate entity:
  - the names of its directors and key personnel responsible for providing the technology, products and / or services under its EOI;
  - details about its ownership structure including the names of any related entities within the corporate group, ultimate holding company and the names of the directors of those related entities; and
  - the jurisdiction of its incorporation.
- experience and performance history in supporting or providing services in the top level or second level domain name space of similar scale and complexity as .au ccTLD and its associated second level domains;

- information on the products, technology and / or services that the respondent is able to provide - respondents may provide responses on a full or partial set of products, technology and / or services;
- proposed indicative costs and payment model (e.g. on an upfront, monthly or per domain name basis). auDA is willing to consider outright purchase of technology and / or products as well as appropriate options for licensing technology;
- proposed indicative timeframe for supplying technology, products and / or services;
- resumes of key personnel involved in supplying technology, products and / or services;
- experience and performance history relevant to the delivery of the Registry Transformation Project goals described in Section 3;
- contact officer with phone and email addresses;
- respondent's principal place of business address;
- references from customers; and
- 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 undertaking as an auDA Accredited Registrar (see clause 17 of this REOI).

## **7. REGISTRY SPECIFICATIONS**

To assist in preparing an EOI, respondents may review the auDA Registry Technical Specification dated August 2005 (<https://www.auda.org.au/pdf/auda-rft2005-part6.pdf>), and the technical requirements contained in the ICANN's latest base new gTLD agreement (<https://www.icann.org/en/system/files/files/draft-registry-agreement-amended-22dec16-en.pdf>).

These specifications and technical requirements are a guide only and do not necessarily reflect any technical requirements that may ultimately be required by auDA.

Following this EOI, auDA intends to publish an updated auDA "Registry Technical Specification" and conduct a public consultation process in relation to the content of that specification prior to any subsequent phase of the tender process.

Potential products, technology and services include (but are not limited to):

### ***Registration service***

- Software for operating the registration service for registration at the second level of .au ccTLD and at the third level of its associated second level domains – including access to source code and the rights to modify the software to meet auDA's requirements.
- Production and testing computing environments for running the software securely and with high availability – may be via hardware for locating in data centres, or via public cloud services in Australia.

- Security software and services for securing the registry data including appropriate encryption of sensitive information, logging of all transactions that query or make changes to the registry data, and analysis of logs to detect inappropriate activity.
- 24/7 operations and monitoring services for maintaining the operations of the registration service - including where these operations and monitoring services will be located.
- Training services for operating and maintaining the registration service.

### **WHOIS service**

- Software for operating the WHOIS service – including access to source code and the rights to modify the software to meet auDA’s requirements, and support for the Registration Data Access Protocol (see RFC 7480 <https://www.ietf.org/rfc/rfc7480.txt>).
- Production and testing computing environments for running the software securely and with high availability – may be via hardware for locating in data centres, or via public cloud services in Australia.
- Security software and services for securing the WHOIS data including appropriate encryption of sensitive information, logging of all transactions that query the WHOIS service, and analysis of logs to detect inappropriate activity.
- 24/7 operations and monitoring services for maintaining the operations of the WHOIS service - including where these operations and monitoring services will be located.
- Training services for operating and maintaining the WHOIS service.

### **Authoritative DNS name services**

- Software for operating the Authoritative DNS name services for .au and its associated second level domain spaces 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, tas.au – including access to source code and the rights to modify the software to meet auDA’s requirements, and support for Domain Name System Security Extensions (RFC 2535 <https://www.ietf.org/rfc/rfc2535>).
- Production and testing computing environments for running the software securely and with high availability (including support for *anycast* services) – may be via hardware for locating in data centres, or via public cloud services in Australia and internationally, for both high availability and low response times for DNS queries from any location globally.
- Security software and services for monitoring and logging of all transactions that query the DNS information, and analysis of logs to detect inappropriate activity.
- 24/7 operations and monitoring services for maintaining the operations of the Authoritative DNS name services- including where these operations and monitoring services will be located.
- Training services for operating and maintaining the Authoritative DNS name services.

## **8. CRITERIA FOR REVIEWING AN EOI**

auDA will take the following criteria into account when reviewing an EOI:

- value for money, taking into account financial and non-financial costs;
- ability to meet and exceed the registry technical specifications (referred to in Section 7);
- ability to meet and deliver on Registry Transformation Project goals;
- security capabilities, with respect to security, confidentiality, integrity and availability;
- flexibility, including the ability to make changes to software to customise for auDA's requirements and the degree of ongoing innovation;
- whole-of-life costs, including payment model (e.g. upfront versus ongoing charges); and
- experience and performance history in applying services to a TLD of similar scale and complexity of .au.

## **9. BRIEFING SESSION**

auDA will hold a briefing session for potential respondents to this REOI, via telephone conference on: **21:00 UTC Monday, 5 June 2017**. Please send a request to [rtp@auda.org.au](mailto:rtp@auda.org.au) if you would like to attend. auDA will then provide the telephone conference call information.

## **10. NEXT STAGE OF THE EOI PROCESS**

After evaluating EOIs, 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 those respondents;
- conduct a subsequent procurement process calling for the products, technology and/or services or any similar related goods and/or services; or
- decide not to proceed further with the EOI process or any other procurement process for products, technology and/or services,

in connection with the Registry Transformation Project.

To be considered for any subsequent processes, a respondent must submit an EOI in accordance with the terms of this REOI.

## **11. LODGEMENT OF EXPRESSIONS OF INTEREST**

The closing date for responses to this REOI is: **23:59 UTC Monday, 26 June 2017**

EOIs must be lodged electronically by emailing: [rtp@auda.org.au](mailto:rtp@auda.org.au)

Respondents must include 'RTP EOI Submission from [insert]' in the subject line of their email submission.

If you would like to ask any questions regarding the process for responding to this REOI, please contact:

auDA's Project Lead - Registry Transformation Project

Dr Bruce Tonkin  
114 Cardigan Street  
Carlton VIC 3053  
Australia  
Email: [rtp@auda.org.au](mailto:rtp@auda.org.au)

EOIs submitted after the above date may only be accepted at auDA's discretion.

Respondents that are unable to meet the closing date should discuss their concerns with auDA's Project Lead prior to the closing date.

auDA may, at its discretion, extend the closing date.

## **12. RIGHTS TO VARY**

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

## **13. REQUESTS FOR CLARIFICATION**

Any questions or requests for clarification or further information regarding this REOI or the EOI process must be submitted to auDA's Project Lead in writing. 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 REOI.

## **14. UNAUTHORISED COMMUNICATION**

Communications (including promotional or lobbying activities) with staff and / or directors of auDA is not permitted during the REOI process except as provided under clause 13 above, 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 REOI or the EOI process.

## **15. CORRECTION OF ERRORS**

If a respondent identifies an error in their EOI 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 EOI where that error becomes known or apparent after the EOI closing time. No correction will be permitted if auDA reasonably considers that the correction would materially alter the substance of the EOI.

## **16. PRIVACY AND CONFIDENTIALITY**

auDA will retain all documents and materials supplied as part of an EOI and may make use of any information or materials supplied for any purpose reasonably related to the EOI, including release to external consultants and advisers of any organisation engaged to assist with the EOI process.

Any personal information provided to auDA as part of the EOI will be handled and protected in accordance with auDA's privacy policy ([www.auda.org.au/index.php/policies/2014-01/](http://www.auda.org.au/index.php/policies/2014-01/)).

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 endeavors to protect the respondent's confidential information.

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

The respondent must maintain in confidence the contents of its EOI, 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 EOI process or where required by law.

## **17. CONFLICT OF INTEREST**

Except to the extent identified as part of a respondent's EOI, 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 REOI.

## **18. ADDITIONAL TERMS & CONDITIONS**

### **18.1 ACCEPTANCE OF TERMS & CONDITIONS**

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

### **18.2 OFFER TO CONTRACT**

This REOI does not constitute an offer by auDA to enter into an agreement or any contract for the provision of the products, technology and / or services (or any other goods or services).

No action or inaction in relation to this REOI or any EOI 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 REOI process at any time. auDA is not obliged to provide reasons for its actions.

### **18.3 RESPONSIBILITY FOR COSTS**

Respondents bear their own costs and expenses (including any advisory costs) associated with the process and the preparation of an EOI.

### **18.4 OVERSEAS RESPONDENTS**

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

### **18.5 CONSORTIUM**

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

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 products, technology and/or services in connection with its EOI.

### **18.6 COLLUSIVE OR ANTI-COMPETITIVE CONDUCT**

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

### **18.7 INTELLECTUAL PROPERTY**

Persons obtaining or receiving this REOI and any other documents issued in relation to this Request for EOI may only use them for the purpose of preparing an EOI.

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

Intellectual property rights may exist in this REOI 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.

## **18.8 NO WARRANTIES OR REPRESENTATIONS**

This REOI 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 an EOI.

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

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

Each respondent represents and warrants that its EOI is true, accurate and not misleading.

## **18.9 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 REOI or any further information or representations made by auDA, in any form, in relation to this REOI, or otherwise in connection with this EOI however caused, whether in contract, tort (including negligence), in equity, under statute or on any other basis.

## **18.10 auDA DECISIONS**

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

## **19. GOVERNING LAW**

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