

Request For Tender

Part One – Preliminaries

This is **PART ONE** of the Request for Tender
Registry Licence Agreement for .au Second Level Domains

There are seven Parts to the RFT. This Part must
be read in conjunction with the other Parts of the RFT.

Request For Tender

Part One – Preliminaries

1. STRUCTURE OF RFT

This document is a Request for Tender (RFT), which comprises:

- 1.1 Part One (this part) – Preliminaries;
- 1.2 Part Two – Background and Requirements;
- 1.3 Part Three – Evaluation Process and Criteria;
- 1.4 Part Four – Terms and Conditions of Tender;
- 1.5 Part Five – Schedules;
- 1.6 Part Six – Technical Specification; and
- 1.7 Part Seven – Registry Licence Agreement.

2. DEFINITIONS

2.1 Registry Licence Agreement

Capitalised words in this document have the same meanings as defined in the Registry Licence Agreement (annexed to Part Seven of this document), except where they are defined in clause 2.2 of this Part, in which case the definitions in that clause apply.

2.2 Other Definitions

In this document, the following terms have the meanings indicated, unless inconsistent with the context:

2LD means a .au second level domain, that is, a name at the second level of the .au domain name hierarchy (for example, com.au).

auDA means .au Domain Administration Limited ACN 079 009 340, the body responsible for administering the .au ccTLD and its associated sub-domains.

AusRegistry means AusRegistry Pty Ltd ACN 092 242 209, the current operator of the Registry.

AusRegistry RLA means the registry licence agreement dated 11 December 2001 between auDA, AusRegistry and others.

Business Days means Monday to Friday excluding public holidays in Melbourne, Australia.

Closing Time for Tenders has the meaning given in clause **Error! Reference source not found.** of Part Four.

Conforming Tender means a tender which:

- (a) complies with all requirements specified in this document; and
- (b) does not contain any qualification, condition or other indication that the Respondent is not willing to perform the Contract in strict accordance with the Contract.

Contract means the contract evidenced by the Registry Licence Agreement.

Designated 2LDs means the following seventeen 2LDs: com.au, net.au, org.au, asn.au, id.au, conf.au, info.au, gov.au, edu.au, wa.au, nt.au, sa.au, qld.au, nsw.au, act.au, vic.au, tas.au.

DNS means the domain name system.

Evaluation Panel means the evaluation panel described in clause 15.4.2.

Evaluative Criteria means the criteria described in clause 8.2.

Government Agency means a government or government department, a governmental, semi-governmental or judicial person or a person (whether autonomous or not) charged with the administration of any applicable law.

Non-Conforming Tender means a tender that is not a Conforming Tender.

Part refers to a Part of this document, as described in clause 1 of this Part.

Preferred Respondents has the meaning given in clause 9.1.

Published Policies means those specifications and policies established and published by auDA from time to time.

Registrar means an organisation that is, and continues to be:

- (a) accredited by auDA as a registrar; or
- (b) authorised by auDA to process Registry Data on behalf of Registrants in respect of a particular Designated 2LD, into the Registry.

Registry means the provision of primary and secondary nameservers and WHOIS servers, a database containing the Registry Data and a mechanism for accessing that data, in relation to the Designated 2LDs.

Registry Data means all data maintained in electronic form in the Registry, including without limitation:

- (a) Zone File data;
- (b) Registrant contact information;
- (c) technical and administrative contact information;
- (d) all other data submitted by Registrars in electronic form; and

- (e) other data concerning particular registrations or nameservers maintained in electronic form in the Registry database.

Registry Licence Agreement means the Registry Licence Agreement annexed to this document in Part Seven.

Registry Operator means the successful Respondent who enters into the Registry Licence Agreement with auDA.

Registry Services include:

- (a) operation of the Registry for the Designated 2LDs;
- (b) receipt of data concerning registrations and delegations from Registrars;
- (c) provision of status information to Registrars; and
- (d) provision of support services to Registrars.

Related Bodies Corporate has the same meaning as in the *Corporations Act 2001* (Cth).

Related Entity has the same meaning as in the *Corporations Act 2001* (Cth).

Relevant Interest means any relevant interest (as that term is defined in the *Corporations Act 2001* (Cth)) in the securities of an organisation.

Request for Tender or **RFT** means the request for tender set out in this document.

Respondent means the entity that participates in the RFT process with a view to lodging a response to the RFT.

Schedule means a schedule in Part Five of this document.

Technical Specification means the Technical Specification annexed to this document in Part Six.

Tender Box is the tender box located at the place described in clause 13.2.1 of Part Four.

Zone File means a file that contains the mapping between each domain name in the Designated 2LDs and the Internet addresses of computers that can resolve sub-domains of the domain name to physical Internet addresses.

3. INTERPRETATION

3.1 Interpretation

A reference in this document to:

- 3.1.1 a statute includes regulations under it and consolidations, amendments, re-enactments or replacements of any of them;
- 3.1.2 a person includes a firm, partnership, joint venture, association, corporation or other corporate body;

- 3.1.3 a person includes the legal personal representatives, successors and assigns of that person;
- 3.1.4 any body which no longer exists or has been reconstituted, renamed, replaced or whose powers or functions have been removed or transferred to another body or agency, is a reference to the body which most closely serves the purposes or objects of the first-mentioned body;
- 3.1.5 a clause, schedule or appendix is a reference to a clause, schedule or appendix in or to this document;
- 3.1.6 this or other document includes the document as varied or replaced regardless of any change in the identity of the parties;
- 3.1.7 writing includes all modes of representing or reproducing words in a legible, permanent and visible form;
- 3.1.8 '\$' or 'dollars' is a reference to Australian dollars;
- 3.1.9 time on a day, is a reference to the local time on that day in Melbourne, Australia;
- 3.1.10 the singular includes the plural and vice versa; and
- 3.1.11 a gender includes the other genders.

3.2 Headings

Headings and sub-headings are inserted for ease of reference only and do not affect the interpretation of this document.