

Request For Tender

Part Three – Evaluation Process and Criteria

This is **PART THREE** 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 Tenders

Part Three – Evaluation Process and Criteria

6. EVALUATION PROCESS

6.1 Evaluation Process

An Evaluation Panel appointed by auDA will evaluate the tenders. The evaluation process is set out in more detail in clause 15.

6.2 Evaluation Framework

There are three stages to the evaluation of the tenders:

- 6.2.1 Stage one – Tenders will be evaluated as to whether all the Threshold Requirements are satisfied. Tenders that meet these requirements will proceed to stage two. Tenders that do not meet these requirements will not be considered further. See clause 7 for further information about this stage one.
- 6.2.2 Stage two – Tenders will be evaluated against the Evaluative Criteria. A short list of Preferred Respondents will be compiled at the end of this stage two. See clause 8 for further information about this stage two.
- 6.2.3 Stage three – In circumstances where the first-ranked Preferred Respondent is a person other than AusRegistry (that is, the incumbent Registry operator), the transition plans proposed by the Preferred Respondents will be evaluated. See clause 9 for further information about this stage three.

7. THRESHOLD REQUIREMENTS

7.1 Threshold Requirements

The requirements set out in this clause 7 are mandatory. Respondents who do not meet all these threshold requirements will not be considered further.

7.2 Australian Presence

Respondents must:

- 7.2.1 be and continue to be an Australian incorporated entity; and
- 7.2.2 operate the Registry in Australia, by:
 - 7.2.2.1 ensuring that all its employees and other personnel who are involved in or are integral to the operation and management of the Registry and the provision of Registry Services, are located and are resident in Australia; and
 - 7.2.2.2 having and maintaining a substantial physical presence in Australia, including without limitation, locating all the

administrative and operational functions of the Registry and the provision of Registry Services, in Australia; and

- 7.2.2.3 causing the Registry servers and backups to be located in Australia, unless the Technical Specification requires otherwise.

7.3 Separation of Registrar Operations

- 7.3.1 Respondents must, on and from the date of execution of the Registry Licence Agreement, until the Expiry Date of the Registry Licence Agreement:

- 7.3.1.1 not be an organisation in which any Registrar or any of its Related Entities has any Relevant Interest; and

- 7.3.1.2 not have any Relevant Interest in any Registrar or any of its Related Entities; and

- 7.3.1.3 not have any Related Entity:

- 7.3.1.3.1 in which any Registrar or any of its Related Entity has any Relevant Interest; or

- 7.3.1.3.2 which has any Relevant Interest in any Registrar or any of its Related Entity; and

- 7.3.1.4 not itself, or have any Related Entity which, directly or indirectly, and whether solely or jointly with any other person, carries on or engages or is involved in any trade, business or undertaking as a Registrar.

- 7.3.2 Clause 7.3.1 does not prevent a Respondent or any of its Related Entity from holding marketable securities in a Registrar or its Related Entity, provided that:

- 7.3.2.1 it is for investment purposes only; and

- 7.3.2.2 the marketable securities are quoted on a recognised stock exchange in Australia or elsewhere at the time of acquisition; and

- 7.3.2.3 the total Relevant Interest held by the Respondent and all its Related Entities in any Registrar or its Related Entity is less than 5% of all the issued share capital of the Registrar or its Related Entity (as the case may be).

- 7.3.3 Where the marketable securities of a Respondent or any of its Related Entity are quoted on a recognised stock exchange in Australia or elsewhere, clause 7.3.1 does not prevent a Registrar or any of its Related Entity from holding those marketable securities in the Respondent or any of its Related Entity, provided that:

- 7.3.3.1 it is for investment purposes only; and

- 7.3.3.2 the total Relevant Interest held by any Registrar and all its Related Entities in the Respondent or any of its Related Entity is less than 5% of all the issued share capital of the Respondent or the Related Entity.

7.4 Compliance with Published Policies and Technical Specification

The Respondent must demonstrate and satisfy the Evaluation Panel of its ability to comply with:

- 7.4.1 the Technical Specification; and
- 7.4.2 those of auDA's Published Policies that are relevant to the Registry Operator.

7.5 Financial Viability

The Respondent must demonstrate and satisfy the Evaluation Panel of its:

- 7.5.1 financial strength, stability and viability, based upon its current financial conditions and the proposed business model for the operation of the Registry; and
- 7.5.2 financial ability to perform all its obligations under the Registry Licence Agreement.

7.6 Registry Licence Agreement

The Respondent must be prepared to, and state that it will, enter into the Registry Licence Agreement in the current form (after having inserted into the document, any details which the Respondents are required to include in the tenders). auDA will not negotiate the terms of the Registry Licence Agreement.

8. EVALUATIVE CRITERIA

8.1 Stages One and Two

Only Respondents who meet all the Threshold Requirements will be evaluated in stage two of the evaluation process.

8.2 Evaluative Criteria

The Evaluation Panel will evaluate tenders according to the following Evaluative Criteria, with the following weighting:

Evaluative Criteria	Weighting
Proven capacity to manage a domain names registry or a comparable registry, or experience in DNS operations	25%
Price of domain names to Registrars	22%
Organisation and management capability	20%
Services to Registrars	16½%

Strategic plan and operations plan	16½%
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9. TRANSITION EVALUATION

9.1 Preferred Respondents

At the end of stage two of the evaluation process, a short list of preferred Respondents (**Preferred Respondents**) will be compiled.

9.2 Transition Evaluation

9.2.1 If AusRegistry (that is, the incumbent Registry operator) is the first-ranked Preferred Respondent, the evaluation process will end, with the tender being awarded to AusRegistry.

9.2.2 If AusRegistry is not the first-ranked Preferred Respondent, the Evaluation Panel will then evaluate the transition plans proposed by the Preferred Respondents, in the third, and final, stage of the evaluation process.

10. DISCRETION TO CONSIDER OTHER FACTORS

10.1 auDA's Objects

auDA's principal objectives and responsibilities are set out in its constitution, and include:

10.1.1 administering the .au ccTLD in the interests and for the benefit of the Australian Internet community; and

10.1.2 maintaining and promoting the operational stability and utility of the .au ccTLD.

10.2 Take Objects into Consideration

In addition to the methodology outlined in this Part Three including the Evaluative Criteria set out in clause 8.2, auDA reserves the right to, at any time in the evaluation process, take into consideration in evaluating any or all tenders, the extent to which a tender reflects auDA's principal objectives and responsibilities.

11. EVALUATION PANEL TO PREPARE REPORT AND RECOMMENDATION

At the conclusion of the evaluation process described in this Part Three, the Evaluation Panel will prepare a report and recommendations to be received by the board of auDA. The Evaluation Panel's report will include:

11.1 an outline of the methodology used in evaluating the tenders;

11.2 an outline of the responses received; and

11.3 the Evaluation Panel's findings and recommendations.