

IT INFRASTRUCTURE REGISTER

Prequalification Terms

Part 1 - Introduction and Background

The Department of Premier and Cabinet (DPC) is the lead department responsible for the management of the Victorian Government Information Technology (IT) Infrastructure Register State Purchase Contracts Policy (SPC).

IT Infrastructure goods and services are critical to government business as they directly affect day to day systems operations for government it is essential for efficient mass storage and sharing of confidential and critical data across government e.g. access to health records for the public or Victoria Police records.

CenITex is traditionally the major purchaser of these goods and services. The remaining balance of spend is attributed to the Department of Education and Early Childhood Development (DEECD) and Outer Budget Agencies. However, on occasion there are infrequent purchases that fall outside CenITex's infrastructure.

The strategy to implement a pre-qualified register for IT infrastructure (including servers, storage devices and IT network equipment) will increase flexibility and opportunities for suppliers to compete for government work, allow new suppliers to access government business during the term of the register and aligns with a number of government initiatives.

Part 2 - Objectives

The objective for the IT infrastructure register is:

- to provide stakeholders with an effective procurement model that delivers productivity gains through streamlined purchasing opportunities;
- improved reporting capability;
- alignment with Victorian Government's Information and Communication Technology (ICT) Strategy 2013-14;
- alignment with the Procurement Reform Agenda;
- open and transparent processes;
- delivers measurable financial and non-financial benefits; and

Prequalified Suppliers must be committed to meeting the objectives of the Register by:

- Responding to Participating Agencies in a timely manner
- Demonstrating a "value for money" philosophy
- Collaborating with Participating Agencies
- Demonstrating and engaging in a flexible procurement model
- Assisting the Lead Department in reducing the red tape burden
- Providing a platform for innovation
- Favouring short terms contracts with Participating Agencies
- Engaging early and often with Participating Agencies to drive productivity

IT Infrastructure is made up of a number of high level categories and the lead Department may add, amend or replace these categories with a minimum of 10 days notice. These categories include (but are not limited to);

1. Servers

An IT server is a computer hardware system dedicated to run one or more services as a host to serve the needs of the users of other computers on a network.

Server systems include:

- Rack
- Blades
- Mainframe systems
- Associated system software and operating systems

2. Storage

An IT storage device is a type of computer hardware that allows the storage of digital or electronic data.

Storage solutions include:

- Storage area network (SAN)
- Network attached storage (NAS)
- Content addressed storage (CAS)
- Tape and tape library
- Virtual tape library (VTL)
- Backup and recovery
- Archiving
- Storage management software
- Data de-duplication and replication
- Hierarchical storage management (HSM)

3. Network Equipment

IT networking equipment is hardware computer devices that facilitate the movement of data in a computer network, such as switches, routers, unified communications equipment, uninterruptible power supplies, and other related peripherals and support services.

Network Equipment will be categorised by:

- Product description
- Product code
- Manufacturer

4. Maintenance and Support of new and legacy network equipment

Maintenance and support of new and legacy network equipment includes

- maintenance of existing Participating Agencies network equipment;
- provision of preventative maintenance;

- reactive break/fix engagements for the applicable infrastructure categories;
- provision of maintenance, including break/fix/T&M

5. Installation and Training

Installation and Training include:

- Installation and configuration of IT Infrastructure (at the time of purchase)
- Training (either product specific, or allowance for provision of training credits)

Part 4 – Outside of Scope

The following categories are outside of the scope of the IT Infrastructure Register (at its' commencement, but DPC reserves the right to add these categories to the register at a later date);

1. Cloud Computing and associated services
2. Goods and Services currently available under existing State Purchase Contracts (SPC)

Part 5 - Prequalification

6. Applications for Prequalification

- (a) Suppliers are invited to apply for Prequalification at any time by completing and submitting the Application. Applicants apply for Prequalification subject to these Prequalification Terms and at their own risk and expense.
- (b) Without limiting any of the Department's rights under the Prequalification Terms, Applications will be assessed on the basis of the Prequalification Requirements. Only those Applications which are complete and fully satisfy all the Prequalification Requirements will be considered by the Department for Prequalification pursuant to these Prequalification Terms.
- (c) The Department may, in its discretion, seek further information from an Applicant.

7. Registration of Prequalification

- (a) If the Department is satisfied that an Applicant is eligible for Prequalification, then the Department will grant Prequalification to the Applicant and enter its details on the Register.
- (b) Prequalification does not extend to related or subsidiary companies owned or controlled by the Applicant or Prequalified Supplier (as the case may be) and is not transferrable to any other entity.

8. Duration of Prequalification

A Prequalification:

- i. takes effect from the time that the Department enters the details of the Prequalification on the Register; and
- ii. remains in force until the Department cancels a Prequalification or dissolves the Register.

9. No assurance as to business

- (a) The Prequalified Supplier acknowledges that Prequalification does not result in:
- i. continuity of the Prequalification for the duration of the Register;
 - ii. an assurance any IT Infrastructure will be acquired from the Prequalified Suppliers; or
 - iii. a warranty or representation by the Department that any business, engagements or work of any kind or quantity will be conducted by the Prequalified Supplier as a result of a Prequalification.

10. No exclusivity

A Prequalification or admission on the Register does not prevent a Participating Agency from seeking IT Infrastructure from other Prequalified Suppliers of the Register or from other suppliers not on the Register.

11. Register subject to Government Policy

The Register is subject to Government Policy, as amended from time to time. The Department may dissolve the Register by notice in writing to the Prequalified Suppliers if there is a change in Government Policy which, in the reasonable opinion of the Department, has the effect of making the provision of the Register unviable, inappropriate or otherwise unsuitable.

12. Amendments

- (a) The Department may from time to time and in its discretion amend, add to or replace:
- (i) its Prequalification Requirements;
 - (ii) these Prequalification Terms;
 - (iii) its Reporting Requirements;
 - (iv) the Key Performance Indicators set out in the Scope; and
 - (v) any information contained on the Register.
- (b) The Department will not be held liable for any costs or damages incurred by an Applicant or a Prequalified Supplier in the exercise of the Department's discretion.

13. Nomination of a Preferred Prequalified Supplier

- (a) A Participating Agency may invite one or more Prequalified Supplier to become a Preferred Prequalified Supplier. Such an invitation may include but not be limited to participation in a Request for Quote or such other process as is required by the Participating Agency.

- (b) A Participating Agency may nominate a Prequalified Supplier to be a Preferred Prequalified Supplier only if the Preferred Supplier meets the Additional Requirements (if any) specified in the invitation of the Participating Agency.
- (c) A Participating Agency may appoint more than one Preferred Prequalified Supplier.

Part 8 - Performance

14. Monitoring Performance

- (a) The Prequalified Supplier must nominate a representative who must make him or herself available during business hours to meet with the Category Manager and/or a representative of a Participating Agency as required and discuss any queries, concerns, issues or disputes arising under or in connection with the Register.
- (b) A Participating Agency may submit a performance report (written or verbal) to the Category Manager where the performance of the Prequalified Supplier is considered by the Participating Agency to be unsatisfactory.
- (c) Upon receipt of a Performance Report from a Participating Agency the Category Manager will arrange a meeting between representatives of the Prequalified Supplier and the Participating Agency to discuss and consider the Performance Report.

15. Suspension of Prequalification for unsatisfactory performance

- (a) The Category Manager may, at its discretion, suspend a Prequalified Supplier's Prequalification for unsatisfactory performance or behaviour described in a performance report (the **dissatisfaction**) and may set out actions that the Prequalified Supplier must take to remove or resolve the cause of the dissatisfaction.
- (b) A Prequalified Supplier that has been suspended from the Register must inform the Category Manager if and when the actions required by the Department to lift the suspension have been undertaken.
- (c) The Department may lift the suspension and restore the Prequalification if the action taken by the suspended Prequalified Supplier to address the reasons for suspension is considered by the Category Manager to be appropriate.

16. Financial Capacity

The Department or a Participating Agency may at any time request that a Prequalified Supplier provide details of its financial capacity. The Prequalified Supplier must respond in writing to such a request within the time specified by the Department or the Participating Agency.

Part 9 - Cancellations

17. Cancellation of Prequalification

- (a) The Department may cancel a Prequalification and remove the Prequalified Supplier from the Register in the following circumstances including (but not limited to):
 - (i) breach of a Prequalification Term or warranty;
 - (ii) failure to maintain appropriate insurances and licences;
 - (iii) failure to meet financial requirements;

- (iv) failure by the Prequalified Supplier to promptly and adequately resolve the reasons for a temporary suspension from the Register;
 - (v) failure to maintain appropriate administration systems and processes (including reporting, invoicing and work administration);
 - (vi) being or having been the subject of substantiated reports of unsatisfactory performance;
 - (vii) adverse changes in capacity or capability or business structure or status of the Prequalified Supplier
 - (viii) where the Prequalified Supplier commits any act or does anything that is contrary to prevailing community standards, or is otherwise regarded by the public as unacceptable or which brings the reputation of the Prequalified Supplier into disrepute and as a consequence the Department believes that its continued association with the Prequalified Supplier will be prejudicial or otherwise detrimental to the reputation of the State
 - (ix) fraud, dishonesty or any other serious misconduct by the Prequalified Supplier or any of its employees, agents or sub-contractors; or
 - (x) within 30 days of the Department receiving a written notice from a Prequalified Supplier requiring the Department to cancel its Prequalification.
- (b) The cancellation of a Prequalification is effected by written notice given to the Prequalified Supplier by the Department.
- (c) A Prequalified Supplier whose Prequalification was cancelled must not become or seek to become a Prequalified Supplier for a period of one year from the date of cancellation. A Prequalified Supplier whose Prequalification was cancelled under clause 14(a)(viii) or clause 14(a)(ix) is disqualified from obtaining or applying for Prequalification.

18. Request for Review

- (a) A Prequalified Supplier whose Prequalification was cancelled under clause 14(a) (i) to (ix) may submit a written request to the Department for a review of the Department's decision to cancel its Prequalification. The request for review must be made within 14 days of the date of cancellation and provide full details of the reasons for the request for review to:

To the Deputy Secretary (or delegate)
 Innovation, Services, Small Business and Technology
 Department of State Development Business and Innovation
 Level 35, 121 Exhibition Street, Melbourne, Victoria 3000

- (b) If a request is made to review a decision to cancel a Prequalification, the officer of the Department must as soon as practicable determine the request and make such decision as it thinks appropriate, including, without limitation, a decision to affirm or set aside the cancellation.

19. Warranties

The Prequalified Supplier warrants to the Department and each Participating Agency that any representations and warranties made or given by the Prequalified Supplier in connection with the Application or subsequently, were and remain accurate throughout the term of the Prequalification.

20. Change of circumstances

Prequalified Suppliers must immediately notify the Department of any significant change in their financial capacity, technical capability, ownership status, contact details or address by writing with full details to:

Category Manager
it.infrastructure@dpc.vic.gov.au

21. Solicitation

A Prequalified Supplier may use its Prequalification status on the Register to solicit Participating Agencies for business.

22. Confidentiality and Privacy

- (a) The Department will treat as confidential any information of or relating to the Prequalified Supplier submitted in an Application which is not information already in the public domain.
- (b) The Department will publish on the Register contact details of the Prequalified Supplier, except for any information designated by the Prequalified Supplier as confidential.
- (c) Participating Agencies may share details of the performance or dissatisfaction of a Prequalified Supplier with the Department and other Participating Agencies for the purpose of monitoring performance and to determine continued eligibility for Prequalification.
- (d) The Prequalified Supplier will (and will ensure that its employees, agents and advisers will):
 - (i) use and reproduce any confidential information of the State or a Participating Agency only to perform its obligations in relation to the Register; and
 - (ii) not disclose or otherwise make available the confidential information of the State or a Participating Agency, other than to personnel who have a need to know the information to enable the Prequalified Supplier to perform the IT Infrastructure register services.
- (e) The Prequalified Supplier agrees, and must ensure that its employees, agents and subcontractors observe all applicable privacy laws with respect to any act done, or practice engaged in, by the Prequalified Supplier in respect of the Register.

23. Use of Prequalification status for advertising and promotion

The Applicant agrees not to use any information relating to its Prequalification in its advertising or promotional material or publish such information in any form without the express written consent of the Department or the relevant Participating Agency.

24. Termination of IT Infrastructure Register

The IT Infrastructure register can be terminated with 90 days' notice at the sole discretion of the Department.

Part 11 – Definitions & Interpretation

(a) Unless the context otherwise requires, capitalised terms have the following meaning:

Additional Requirements means the requirements, in addition to the Prequalification Requirements, which are specified by a Participating Agency.

Annexure means either annexure A or B or both (as the case requires) to these Prequalification Terms.

Applicant means an entity that has submitted an Application to become a Prequalified Supplier to be admitted on the Register.

Application means an application for Prequalification in the form prescribed by the Department.

Category Manager means the person nominated by the Department from time to time.

Department means the Department of State Development, Business and Innovation, for and on behalf of the State.

Participating Agency includes Victorian Government departments, statutory authorities, statutory corporations and government owned enterprises.

Preferred Prequalified Supplier means a Prequalified Supplier that has been selected in accordance with Part 6.

Prequalification means the status given to a successful Applicant under the Prequalification Terms and **Prequalified** has a corresponding meaning.

Prequalification Requirements means the mandatory requirements, including those set out in the Application and the Specification, that an Applicant must meet in order to achieve and maintain Prequalification.

Prequalification Terms means these terms, including all Annexures, giving effect to the Prequalification on the Register.

Prequalified Supplier means a supplier who has applied for and been granted Prequalification to the Register and includes a Preferred Prequalified Supplier appointed by a Participating Agency subject to these terms.

Register means the register of Prequalified Suppliers administered by the Department.

Scope means the scope to which IT Infrastructure must comply, including any relevant performance requirements, technical constraints, warranties and quality standards, as set out in Annexure A.

State means the State of Victoria.

Government Policy means the policy of the Government of Victoria.

(b) Unless expressed to the contrary,

(i) "including" and similar expressions are not words of limitation.

- (ii) if a word or phrase is defined its other grammatical forms have corresponding meanings;
- (iii) where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning; and
- (iv) headings are for convenience only.