



FLAGSHIP DIGITAL HUB CREMORNE

Request for Expression of Interest



Jobs,
Precincts
and Regions



PwC Australia as commercial and financial advisor



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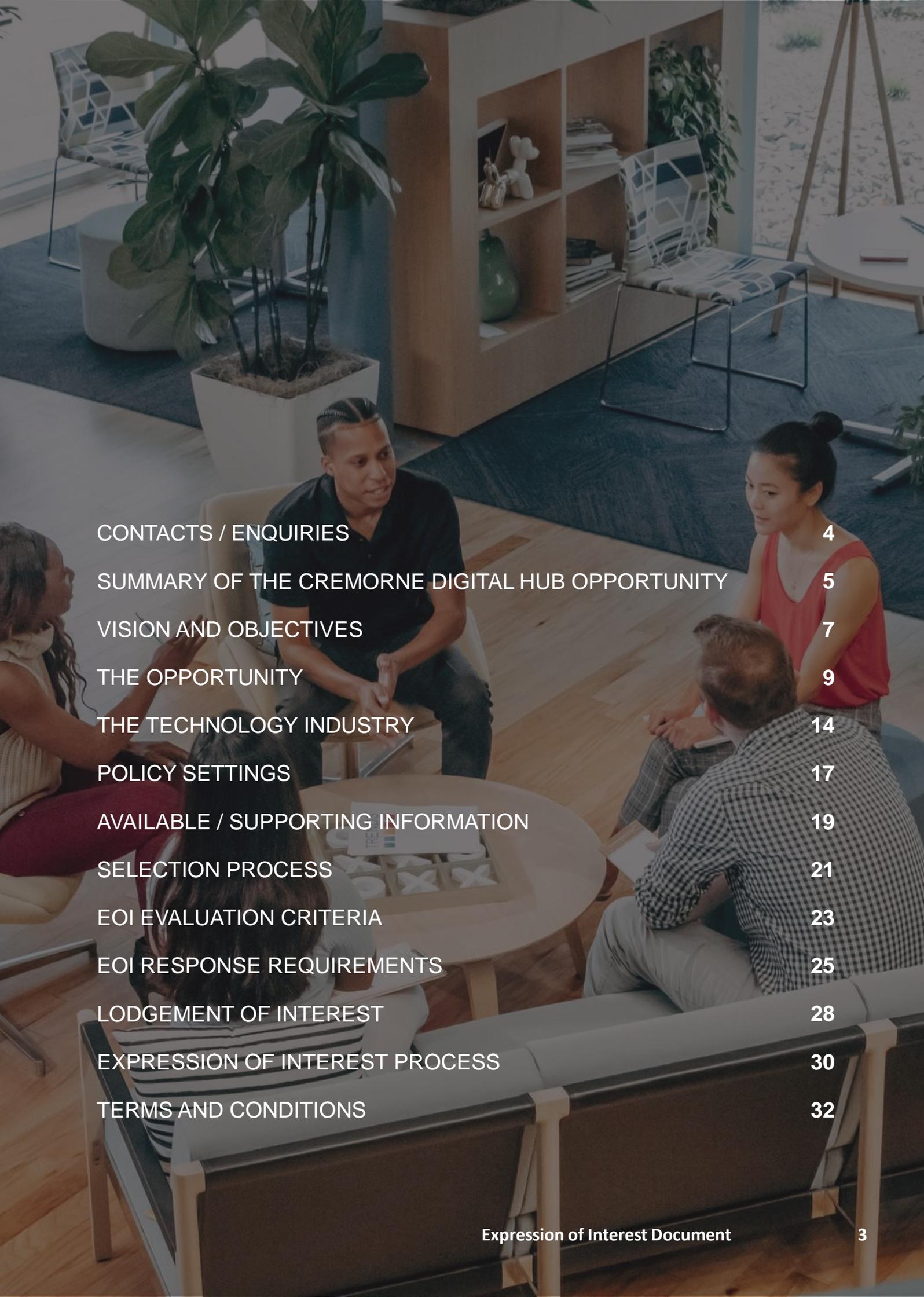
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DISCLAIMER

- (a) While the information in this Request for EOI has been formulated with all due care, the State does not warrant or represent that this Request for EOI or the EOI Documents provided to Respondents are free from errors or omissions. Respondents must form independent judgments about any information in this Request for EOI and the EOI Documents and make their own enquiries.
- (b) The information is made available on the understanding that the State and the State's Personnel will have no liability (including liability by reason of negligence) for any loss, damage, cost or expense incurred or arising by reason of any person using or relying on the information and whether caused by reason or any error, omission or misrepresentation in the information or otherwise.



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1. CONTACTS / ENQUIRIES

This Request for Expression of Interest (“EOI”) is being presented by the State Government of Victoria (“the State” or “Government”) with the support of PricewaterhouseCoopers (“PwC”).

Please refer to <https://djpr.vic.gov.au/cremoredigitalhub> for further information.

All enquiries relating to this Request for EOI are to be strictly directed towards the Department of Jobs, Precincts and Regions (“DJPR”) Procurement contact: Mr Josh Hines, DJPR Procurement, email: josh.hines@djpr.vic.gov.au

Issue date

20th September 2021

EOI lodgement process

EOI Submissions are to be lodged via tenders.vic.gov.au. Responses submitted by other means will not be evaluated.

Closing time

EOI Submissions are to be submitted by 4 pm on 31st October 2021 Australia Eastern Daylight Time (AEDT).

2. OPPORTUNITY SUMMARY



SUMMARY OF THE CREMORNE DIGITAL HUB OPPORTUNITY

The Victorian Government is driving Cremorne's development into a vibrant and globally significant innovation and technology precinct, to deliver technology and innovation capability, digital skills development and jobs creation. To deliver these outcomes, the Government will support the establishment of an industry led Flagship Digital Hub ("the Hub") in Cremorne.

EOI Submissions are sought from interested parties ("Respondents") to establish and operate the Hub. Respondents are required to submit a conceptual business model that proposes an innovative program of initiatives and activities that can deliver on the Victorian Government's vision, objectives and outcomes for the Hub, with reference to the 'Essential' and 'Desirable' parameters set out in this Request for EOI. EOI Submissions from partnership-based consortia are encouraged, drawing together the full range of experience and capabilities required to deliver the Hub.

A physical location has not been selected and should be determined and sourced by Respondents. Innovative responses are required from industry that present a shared digital and physical presence for the Hub solution in Cremorne. Respondents are expected to present a timeline for its commencement, in line with the overarching milestone of establishing a digital presence in FY2021-22.

This milestone is critical to efficiently respond to the changing global landscape for high-tech innovation and entrepreneurship. There is a major opportunity to capitalise on these changing dynamics to develop Cremorne into a global scale, connected and competitive precinct that attracts local and international talent and drives jobs creation and business growth.

The Hub will be supported by complementary initiatives which are aimed at lifting capability, stimulating tech adoption and problem solving, supporting innovation, commercialisation and business growth, attracting investment and creating jobs. It will also build connections between Victoria's leading technology firms and institutes to businesses, researchers, and education providers across the state, nationally and globally.

Up to \$10 million seed funding will be made available to establish and operate the Hub over an initial four-year period. Conceptual business models are expected to include a co-funding arrangement from consortium partners that leverages the seed funding and sets out a pathway to developing an independent and financially sustainable Hub operation within four years.

The selection process for the Hub is being conducted over two stages:

1. Expression of Interest stage
2. Final stage and selection process

If a party is interested though not able to respond to the entirety of this Request for EOI, and would like to express interest to participate in the establishment of the Hub, please make a statement to that effect via the tenders.vic.gov.au site.

Pending the outcomes of the EOI process, the final stage of the selection process is expected to commence in November 2021. The Department will contact selected Respondents regarding participation in this subsequent process, which will involve the submission of detailed Hub business models and supporting documentation.

3. VISION AND OBJECTIVES



VISION AND OBJECTIVES

3.1. Hub vision

“The Flagship Digital Hub in Cremorne will be a key driver for Cremorne’s transformation into a world-class technology precinct, developing and attracting talent, creating jobs and stimulating business growth.”

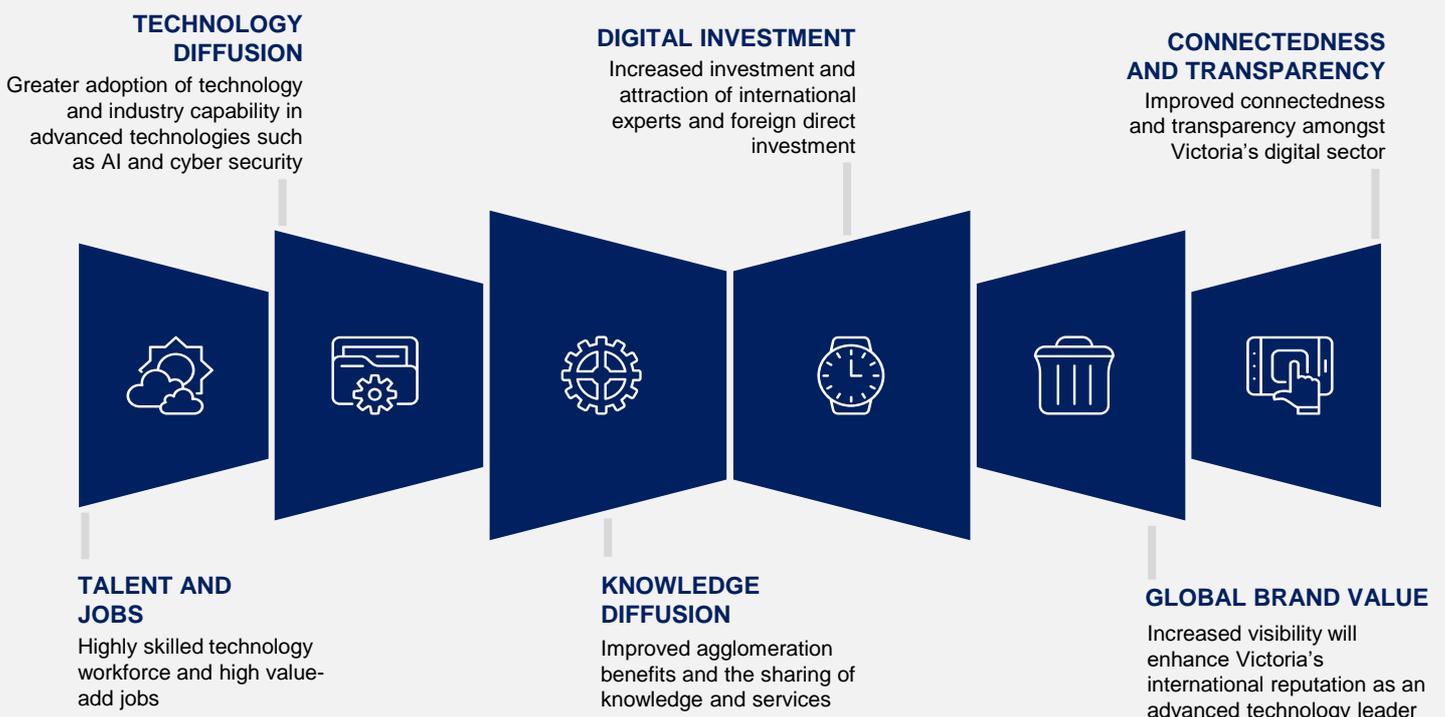
3.2. Hub objectives

The Digital Hub will deliver this transformation in line with the following principal objectives:



3.3. Hub benefits and outcomes

The proposed Hub business models will need to be innovative and address the following benefits and outcomes:



4. THE OPPORTUNITY

THE OPPORTUNITY

The Victorian Government is driving Cremorne's development into a vibrant and globally significant innovation and technology precinct, to deliver technology and innovation capability, digital skills development and jobs creation. To deliver these outcomes, the State is excited to offer a unique opportunity to establish and operate a Digital Hub, which will anchor the ongoing development of an advanced technology cluster at Cremorne.

4.1. Cremorne is one of Australia's most significant emerging technology precincts

- Cremorne is a dense pocket of economic activity with more than 2,000 residents, 700 businesses and 10,000 workers, (47% female) contributing almost \$4 billion to Victoria's economy in 2019.
- It is home to multiple startups that have attained billion-dollar valuations and are now listed on the Australian Securities Exchange (ASX), such as REA Group, Carsales.com.au and SEEK, and is a location for over 650 high-tech jobs.
- The relatively high concentration and growth of R&D activity indicates that Cremorne contains a significant number of knowledge intensive businesses that are developing new products, services and business models.
- Cremorne has a vibrant village feel, with a mix of historic industrial buildings, workers cottages and modern developments. It is close to the City of Melbourne with active transport options and a lively cafe culture.

Map of Cremorne location



THE OPPORTUNITY

4.2. The Hub’s ‘Essential’ and ‘Desirable’ parameters

The establishment of the Digital Hub in Cremorne will be guided by the following ‘Essential’ and ‘Desirable’ parameters. These parameters reflect the core strategic outcomes that the Victorian Government seeks to achieve through the Hub, and provide a framework for the market* to clearly articulate a conceptual business model for the Hub solution.

In delivering the following parameters, it is expected Respondents will offer a partnership-based approach, robust governance framework and sustainable funding and financing model in their responses. This EOI provides a real opportunity for Respondents to collaborate and build on their individual capabilities, while also developing innovative solutions to benefit the broader technology ecosystem.

 ACTIVITIES	 ECOSYSTEM/ PRESENCE	 GOVERNANCE	 PARTNERS	 FUNDING
<ul style="list-style-type: none"> Precinct and sector networking Research-industry collaboration Advanced digital skills and capabilities development Talent attraction Promoting Cremorne and supporting its development as a key technology precinct 	<ul style="list-style-type: none"> Providing a ‘front door’ for Victoria’s digital sector Mixture of physical and digital presence; physical and digital networking capability Connecting the ecosystem and making technology expertise discoverable across the state 	<ul style="list-style-type: none"> Consortium operating through a suitable legal entity Clear mission, objectives and output/KPIs in the business plan Strong governance experience and capability Robust risk management approach High standards of integrity and probity Governance that enables participation beyond the Consortium and Cremorne 	<ul style="list-style-type: none"> Consortium partners have deep capability and high integrity Partners represent industry, higher/tertiary education, research sector Partner roles and tasks clearly defined, agreed and reflected in the business model 	<ul style="list-style-type: none"> A funding agreement with deliverables, clear accountability and a financial sustainability model Co-funding from partners (financial and in-kind)
<ul style="list-style-type: none"> IP/commercialisation focus Digitalisation initiatives for key sectors 	<ul style="list-style-type: none"> ‘Hub and spoke’, including a centralised component with a surrounding network Global connectivity Open and interactive access (for a digital presence) 	<ul style="list-style-type: none"> Framework for social inclusion Framework for Cremorne stakeholder engagement 	<ul style="list-style-type: none"> Cremorne stakeholders included in consortium (including NFPs) Partners with advanced skills networks 	<ul style="list-style-type: none"> Approach to realising benefits (outlined in Section 3.3)

*Market includes industry, education, research and NFPs among other entities, who may be potential Respondents to this EOI.

THE OPPORTUNITY

4.3. What value the State is offering to the Project

The State will provide the following sources of support, including but not limited to:

- 1 Seed Funding up to \$10 million
- 2 Avenues to potential broader funding (with opportunities for Hub activities to access government funding through innovation programs)
- 3 Partnerships and global branding
- 4 Investment in telecommunications infrastructure
- 5 Place-making and local amenity improvements (from the Cremorne Place Implementation Plan)

4.4. Hub milestones overview

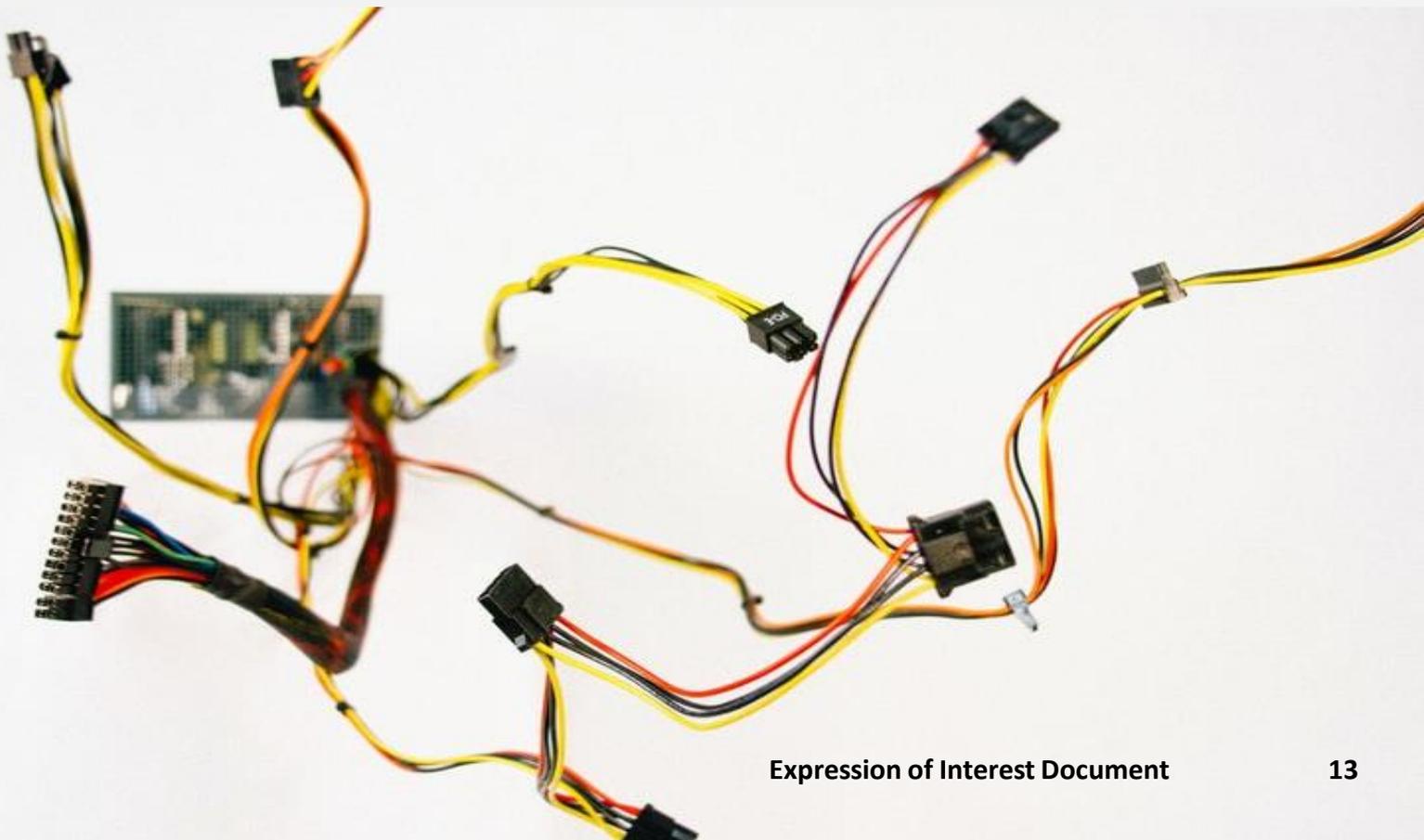
- The Government will provide seed funding in FY2021-22 to support all aspects of the Hub operation over the initial 4-year period.
- It is expected a digital presence will be established in FY2021-22.
- The Hub delivery contract will include formal performance management mechanisms reflective of essential initiatives of the agreed business model.
- The final Hub operational model will be refined by the successful Respondent(s) during the contract phase, in accordance with the proposed solution put forward in response to this EOI and in collaboration with Government.

THE OPPORTUNITY

4.5. Complementary initiatives in line with the objectives of the Hub

To drive Cremorne's development into a vibrant, industry leading centre for technology and innovation, the Digital Hub will be supported by other complementary initiatives aimed at lifting capability, stimulating tech adoption and problem solving, supporting business growth, attracting investment and creating jobs. These include:

- A National Sports Technology and Innovation Centre of Excellence, led by the Australian Sports Technologies Network to support the creation of jobs by supporting advanced technology capabilities, commercialisation of R&D and attracting national and international partnership opportunities for Victoria's growing sports technology sector (<https://astn.com.au/>).
- The Digital Jobs program will build the state's digital workforce by training and reskilling mid-career Victorians so they can transition into a digital career. The program will support up to 5,000 mid-career Victorians to complete a 12-week training followed by a 12 week placement in a digital job. (<https://djpr.vic.gov.au/digital-jobs>)
- The SummerTech LIVE program aims to create jobs opportunities for graduates while meeting the technology skill requirements of businesses in any Victorian industry. The program will provide tertiary students with 10-12 week paid studentship over the summer to gain on the job skills while developing innovative technical solutions for SMEs. (<https://www.vic.gov.au/summertech-live>)
- Connecting Victoria will enable more businesses to take advantage of digital opportunities with more reliable, better value broadband in more places, including popular shopping streets and business parks. The program will focus on getting more Victorians access to business-grade broadband and upgrading mobile coverage, improving 4G mobile coverage, helping more places become 5G ready, and improving access to safety information during bushfires and other emergencies. (<https://djpr.vic.gov.au/connecting-Victoria>)
- The Victoria Breakthrough Fund presents an important funding source for other potentially transformative initiatives for Cremorne. (<https://www.vic.gov.au/breakthrough-victoria-fund>)



5. THE TECHNOLOGY INDUSTRY



THE TECHNOLOGY INDUSTRY

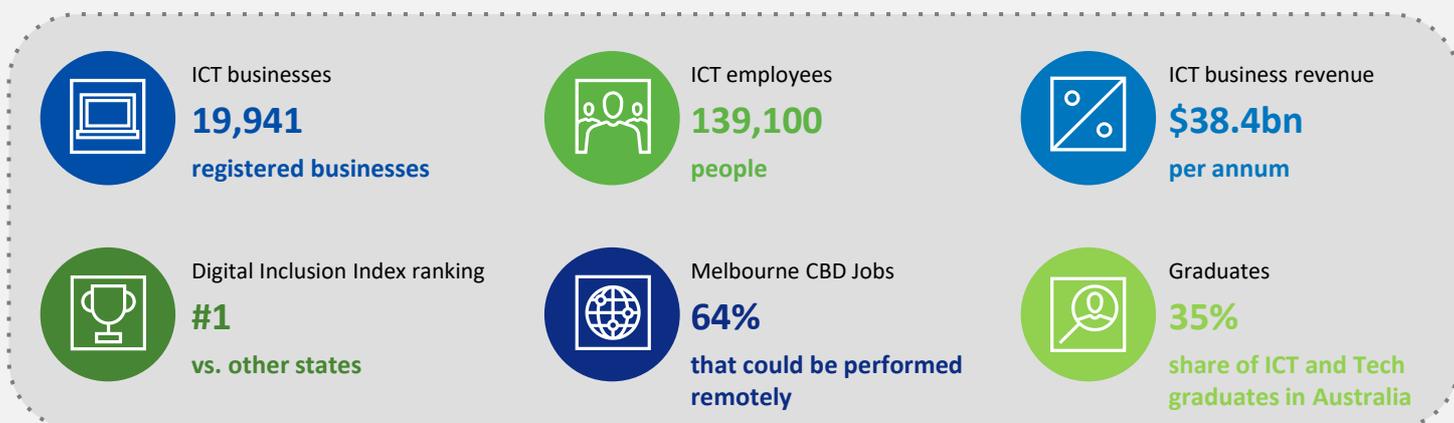
5.1. The changing global landscape for high-tech innovation and entrepreneurship

Capital, talent and firms are moving away from the once dominant technology clusters in places like San Francisco, New York and Boston. There is a major opportunity to capitalise on these changing dynamics to develop Cremorne into a global scale, connected and competitive precinct that attracts local and global talent. The Victorian digital ecosystem must act quickly as the rest of the world gains ground at an accelerating rate.

Many countries are doing more than ever to compete on the global stage by investing in R&D and technology skills development, attracting talent and capital, and bringing new world innovations to the market. For Victoria, this means leveraging its human capital and research base, boosting the capacity of its advanced technology sectors to innovate and grow, and helping Victorian businesses seize the opportunities of the fourth industrial revolution.

5.2. A snapshot of Victoria's digital standing in Australia

DJPR's latest information and communication technology ("ICT") survey indicates Victoria's ICT industry is continuing to move from strength to strength.



Source: Victorian Department of Jobs, Precincts and Regions, Victorian ICT Industry Fact Sheet, 2019

THE TECHNOLOGY INDUSTRY

5.3. A snapshot of Richmond's (including Cremorne's) digital standing in Victoria

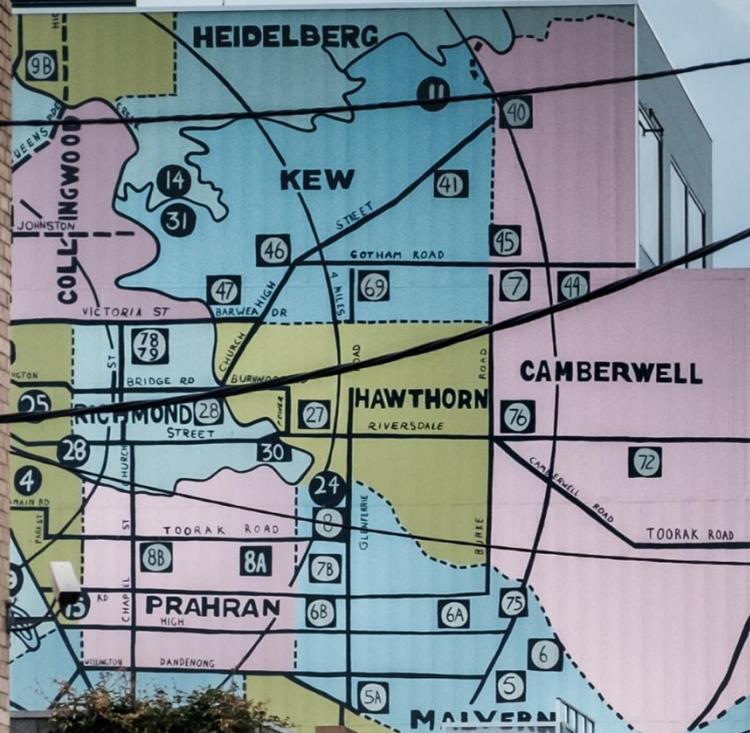
There are businesses in five digital industries that make up 40% of Richmond's economic output, and have the potential to play a role in enabling Victoria's emergence as Australia's digital capital.

	Cremorne # Bus.	Value chain and key activities 	Richmond (2019)			Victoria (2019)			Potential opportunities (selected)
			GVA		Jobs	GVA		Jobs	
Professional, Scientific & Technical Services		<ul style="list-style-type: none"> Management and consulting services Design services Advertising services ICT system design and related services 	\$1.3B	20%	9.0k	\$35B	9%	280k	This industry group represents 20% of the local economy, contributing to an industry supporting 280,000 jobs across Victoria. This indicates that the Cremorne cluster plays a critical role in driving specialised services in the wider economy.
Information, Media and Telecoms		<ul style="list-style-type: none"> Motion picture and video Publishing, including books, internet and magazine 	\$0.4B	6%	1.2k	\$14B	4%	50k	Media businesses represent 6% of the local economy, and contribute to a \$14bn industry in Victoria. This poses the question as to whether Cremorne's IMT businesses can do more to drive creative output across Victoria.
Administrative and Support Services		<ul style="list-style-type: none"> Call centre services Recruitment services 	\$0.2B	2%	0.8k	\$17B	5%	100k	These industries represent 800 local jobs and contribute to a \$17bn economy across Victoria. This raises the question whether recruitment services in particular could play a wider role to tap and deploy digital and creative talent across the state.
Financial and Insurance Services		<ul style="list-style-type: none"> Auxiliary finance and investment services 	\$0.7B	10%	1.3k	\$48B	13%	120k	Businesses in this group contribute to a \$48bn industry across Victoria. As digital industries in Victoria grow, there is a question as to whether these companies have a role to enable finance and investment into funding business digitisation needs.
Education & Training		<ul style="list-style-type: none"> Adult training Vocational training 	\$0.1B	2%	1.5k	\$23B	6%	286k	These businesses represent only 2% of the local economy, suggesting opportunities to develop further in Cremorne. Depending on the nature of the training services provided, there may also be opportunities to create linkages across the state.

Note: For reference, Cremorne is included within the State Suburb of Richmond on the Australian Bureau of Statistics (ABS).

Source: ABS, 2019

6. POLICY SETTINGS



POLICY SETTINGS

6.1. The Digital Economy is estimated to be a \$45 billion opportunity that will deliver significant jobs to Victoria over the next five years

The Victorian Government's investment in a Digital Hub at Cremorne can drive a significant uplift in digital capability, workforce skills and innovation across Victorian industries.

The Digital Hub will become a key asset to Victoria, which will drive further value from wider Victorian Government investments including in:

- Digital infrastructure – Access and Affordability
- Digital Capability – Digital Skills and Capability
- Innovation – Growth and Productivity
- Launch Vic – A \$40m opportunity
- Victorian Startup Capital Fund – A \$60.5m opportunity

The Hub will support the growth of innovative technology businesses, enhance the State's advanced technology capabilities and create new high-value jobs to meet the technology skills required by every sector in Victoria.

6.2. Key directions set out in the Cremorne Place Implementation Plan ("CPIP")

[The Cremorne Place Implementation Plan](#) (CPIP, December 2020) provides a roadmap for how Government will work with industry, education providers, local council and the broader community to support the ongoing development of Cremorne into a vibrant, industry leading and innovative economic precinct.



Economy and innovation

- Commercial zoning was recognised by community members as having helped pave the way to Cremorne's success as a business precinct, by providing certainty for business growth and investment.
- Access and improvements to high-speed internet are required in a high-tech precinct.
- The important role of Bendigo Kangan Institute campus to support technology industry skills development, address workspace affordability and provide more public open space and community facilities.



Transport and movement

- Improved access to public transport as a high priority, with Richmond, East Richmond and South Yarra stations as key transport interchanges serving Cremorne.
- Improving road safety, including traffic calming measures and the trialling of reduced speed limits from 40km/h.
- Promoting sustainable travel to manage the increasing demands on infrastructure with improvements for cyclist and pedestrians identified as a priority.



Public and open space

- Better use of underutilised land to contribute and support Cremorne's future.
- A greener Cremorne through a range of options including improved access to existing public space, more public space and public realm improvements, and through new developments.
- More open space to cater for the needs of the growing community, including small and creative improvements to the public realm and open space.

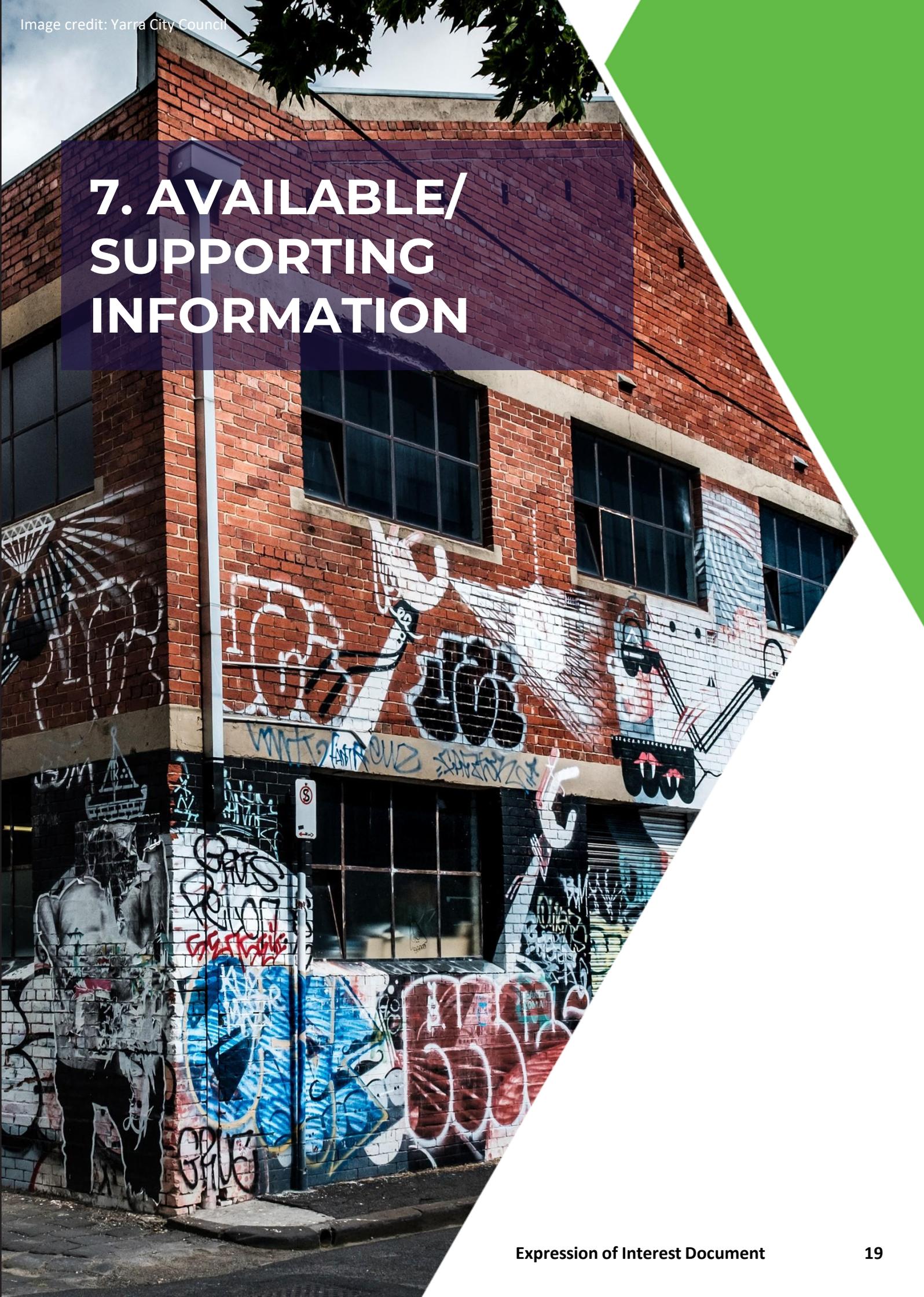


Buildings and development

- The vibrancy of having a mix of businesses and services throughout Cremorne was identified as a key characteristic and strength of the area.
- Development to contribute to public amenity and create public spaces. Provision of long term and strategic approaches to development which consider sustainability, scale, design quality, overshadowing, setbacks and building heights, and protects local heritage and character.

Source: CPIP, 2020

7. AVAILABLE/ SUPPORTING INFORMATION



AVAILABLE/ SUPPORTING INFORMATION

In line with the strategic nature of responses being sought by this EOI process, the information available to prospective Respondents is contained within this EOI document, the Cremorne Digital Hub webpage <https://djpr.vic.gov.au/cremornedigitalhub> and the Government tender portal <https://www.tenders.vic.gov.au/>.

All queries relating to the EOI process should be directed to the DJPR Procurement contact: Mr Josh Hines, DJPR Procurement, email: josh.hines@djpr.vic.gov.au.



8. SELECTION PROCESS

SELECTION PROCESS

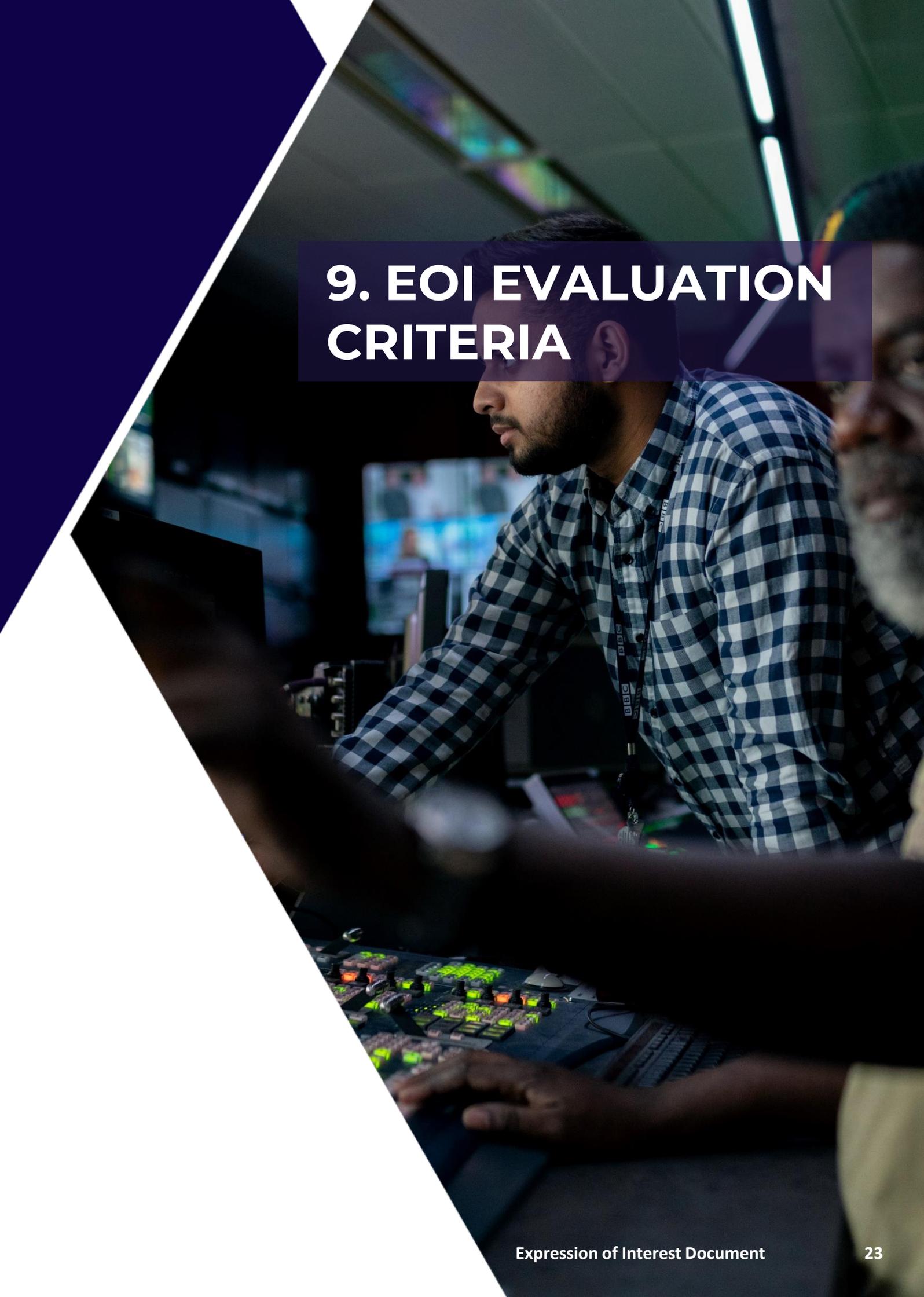
The selection process is being conducted over two stages.

EXPRESSION OF INTEREST

- The EOI stage of the selection process provides the opportunity for Respondents to submit responses in line with the Response Requirements and Evaluation Criteria.
- The response to and evaluation of EOI Submissions will inform the selection process (“selection process” or “final stage”). Respondents may be invited to participate in the final stage of the process. Participation in the final stage may only be available to those who participate in the EOI stage, though this is at the full discretion of DJPR. DJPR reserves the right to hold an open or closed final stage process.
- The information gathered in the EOI stage of this process may not be used in the final stage. This information is being gathered by DJPR to gauge interest and expertise.
- In line with the requirement for Respondents to demonstrate to the State of the merits of their EOI submission, the State reserves the right to proceed to the final stage with a particular response only, or not to proceed at all.

FINAL STAGE AND SELECTION PROCESS (ONLY FOR SELECTED PARTIES)

- Further information regarding the final stage will be detailed once DJPR determines the mechanism with which to conduct the selection process.
- It is anticipated that the selection process will seek Respondents to provide more detailed responses in respect of areas including:
 - **Value Proposition and Proposed Solution** – provision of greater detail including detailed Hub governance and operating model, investment activity, precinct end users and risk mitigation.
 - **Financial Capacity and Commercial Proposition** – refined commercial offer, including sustainable financial and funding strategy.
 - **Benefits** – further articulation, analysis and quantification of the benefits to be delivered to the technology industry, the State and community.
- Subject to submissions received in the EOI stage, the State reserves the right to bypass the final stage and enter into negotiations with the preferred Respondent(s).



9. EOI EVALUATION CRITERIA

EOI EVALUATION CRITERIA

All EOI Submissions will be evaluated against the following criteria.

1. Proposed solution (conceptual business model)

Appropriateness and robustness of the conceptual business model, considering the interdependencies between governance, funding, operating and brand strategy in managing and coordinating the activities of the Hub.

- Alignment of the conceptual business model with the 'Essential' and 'Desirable' parameters (outlined in Section 4.2), emphasising the extent to which the solution proposes novel innovation and maximises the digital network and influence on the broader economy.
- Evidence that the proposed solution will deliver the outcomes sought by Government with respect to:
 - Alignment with the overall Project vision (outlined in Section 3.1) and maximising industry and skills development objectives (outlined in Section 3.2).
 - Appropriateness and approach to outcomes and benefit realisation across Cremorne and the broader digital economy (based on the outcomes and benefits outlined in Section 3.3).
 - Consideration of the Hub milestones in accordance with the Respondent's proposed timeline (outlined in Section 4.4).
 - Proposed profile of strategic relationships, target markets and end users.
 - Critical success factors and key dependencies, including engagement process with the State and key industry stakeholders.
- Appropriateness of identified risks and mitigants, uncertainties and interdependencies, that could impact the State or successful implementation of the proposed solution.

2. Commercial and financial capacity

- Evidence that the proposed level and source of capital costs, ongoing operating costs and diverse nature of revenue streams used by the conceptual business model, will achieve financial sustainability, offer value-for-money outcomes and deliver on the State's objectives.
- Evidence of the financial capacity and performance of the Respondent, or parent company or other relevant related entity/ies if the proposed contracting entity is or will be a special purpose joint venture or similar arrangement.
- Adequate credentials of Respondent's management team with respect to financial/commercial management, corporate governance, knowledge of the advanced technology sector, and skill and industry development expertise.
- Robustness of the proposed partnering arrangements of the Respondent, if any. *DJPR may seek to make introductions between what it believes to be suitably qualified vendors to work through an EOI submission. The commercial negotiations and contractual arrangements of such a submission will remain between the Respondents and DJPR will not be involved in any of these activities.*

3. Capability and experience

- Evidence of Respondent experience in establishing similar business and/or operating models as envisaged by the State.
- Adequate Respondent experience in delivering high-quality services to facilitate sector networking, research-industry collaboration, advanced digital skills and capabilities development and talent attraction.
- Evidence of Respondent networks and relationships with relevant organisations, institutions and industry groups.
- Evidence of Respondent experience working collaboratively with Government (and Government agencies) and stakeholders.

10. EOI RESPONSE REQUIREMENTS



EOI RESPONSE REQUIREMENTS

In preparing an EOI Submission, Respondents are required to address the Response Requirements outlined below and overleaf, having regard to the Evaluation Criteria (outlined in Section 9).

All submissions must be submitted by 4 pm on 31st October 2021, Australian Eastern Daylight Time via the Government tender portal tenders.vic.gov.au. EOI Submissions lodged by any other method, or after the Closing Time, may be rejected. All submissions will be evaluated against the Evaluation Criteria (outlined in Section 9). Information submitted by Respondents will form the basis upon which EOI Submissions are evaluated. It is therefore strongly recommended that EOI Submissions are fully compliant and completed within a prescribed **35 A4 page limit**. Respondents may provide hyperlink content within their submissions, noting that the State may consider but is not obliged to evaluate this content. Such material should not be provided in lieu of a document submission.

Respondent details	Guiding notes
<ul style="list-style-type: none">Contracting entityConsortia members and structureDirectors and Shareholders of entityRoles and responsibilities in accordance with scope of submission	Respondents are to determine how best to clearly and concisely articulate this information.
1. Proposed Solution (conceptual business model)	Guiding notes
<p>Respondents should provide the following:</p> <ul style="list-style-type: none">Clear articulation of the proposed Hub solution, addressing:<ul style="list-style-type: none">A robust conceptual business model which considers governance, funding, operating and brand strategy to manage and coordinate the activities of the Hub.How the Respondent's proposed solution aligns with the Project Vision and Objectives (outlined Sections 3.1 and 3.2).How the Respondent will realise the outcomes and benefits sought by Government (outlined in Section 3.3), and the proposed monitoring and performance mechanisms (including KPIs).How the Respondent will bring its proposed solution to life, in accordance with the 'Essential' and 'Desirable' parameters (outlined in Section 4.2).A timeline that aligns with the proposed Hub milestones (outlined in Section 4.4).The committed and/or proposed profile of strategic relationships, target markets and end users.Critical success factors and key dependencies, including engagement process with the State and key industry stakeholders.Risk management considerations including:<ul style="list-style-type: none">Identification of risks, uncertainties, interdependencies and mitigation strategies during the establishment and ongoing operation of the proposed Hub solution.	Respondents are to determine how best to clearly and concisely articulate their proposed solution.

EOI RESPONSE REQUIREMENTS

2. Commercial and financial capacity

Guiding notes

Respondents should provide the following:

- Estimated level and proposed source of capital and ongoing operating costs, as well as revenue streams, grants and other cash support required to financially sustain the conceptual business model, whilst continuing to deliver on the State's objectives.
- Estimated quantum of the State's seed funding allocation required for the conceptual business model, also capturing its ongoing relationship with alternative revenue streams.
- The financial capacity of the Respondent, or parent company or other relevant related entity/ies, to sustain the proposed obligations (including effectiveness of the proposed security arrangements).
- Up to four credentials of Respondent's management team with respect to financial/commercial management, corporate governance, knowledge of the advanced technology sector, and skill and industry development expertise.
- Any other matters deemed relevant to the financing and funding of the proposed solution.

- Respondents are to determine how best to clearly and concisely articulate their estimated investment with robust supporting evidence.
- Respondents should clearly outline financing of upfront costs as well as any additional critical assumptions which may underpin the proposed financial strategy of the conceptual business model.
- Respondents should offer value for money outcomes in their proposed solution.
- All values to be provided in Australian Dollars (AUD).

3. Capability and experience

Guiding notes

Respondents should provide the following:

- Up to one or more examples demonstrating the Respondent's experience in delivering high-quality business and/or operating models in accordance with the 'Essential' and 'Desirable' parameters (outlined in Section 4.2). Information should include:
 - Project name, client details, duration, scale, indicative value;
 - Role of key personnel;
 - Details of any relevant strategic industry relationships;
 - Evidence of aligned project outcomes delivered;
 - Evidence of aligned project activities established;
 - Articulation of key project complexities;
 - Risks and mitigation strategies adopted;
 - Lessons learnt; and
 - Details of collaborative engagement with Government and other stakeholders, as relevant.
- Nature and extent of Respondent's experience with the proposed Hub activities (outlined in Section 4.2).
- Nature and extent of Respondent networks and relationships with relevant organisations, institutions and industry groups.

References will be checked at the State's discretion.

11. LODGEMENT OF INTEREST



LODGEMENT OF INTEREST

Details on Government tender portal

- a. **In order to be considered a participant of the EOI process, interested parties must register via the Government tender portal.** Once registered, Respondents will be notified of any relevant addenda or changes to the EOI as it is described within this document.
- b. In preparing an EOI Submission, Respondents are required to provide responses and supporting documentation in accordance with the Response Requirements (outlined in Section 10). The lodgement process will be facilitated via the following Government tender portal: tenders.vic.gov.au
- c. Respondents should refer to the Terms and Conditions of this EOI for further information, noting the following:
 - i. An EOI Submission will not be considered submitted unless it is done so via the Government tender portal;
 - ii. EOI Submissions that are received after the close time of **4 pm on 31st October 2021 Australia Eastern Daylight Time (AEDT)**, may be rejected; and
 - iii. The State retains the right to conduct independent analysis of any information provided by a Respondent, and take any matters identified into account during the evaluation phase.
- d. All general queries relating to this selection process should be directed to: Mr Josh Hines, DJPR Procurement, email: josh.hines@djpr.vic.gov.au



12. EXPRESSION OF INTEREST PROCESS

EXPRESSION OF INTEREST PROCESS

12.1. Overview

The table below sets out the key EOI milestones and associated timing. The timing below and the EOI process may change at the absolute discretion of the State (Respondents should refer to the Terms and Conditions of this EOI for further information).

EOI Milestone	Timing
EOI launch date	20 th September 2021
EOI close date	4 pm, 31 st October 2021 (AEDT)
Final stage process	December 2021 – January 2022 (expected)
Final stage evaluation and selection	January – March 2022 (expected)

12.2. Submission requirements

In preparing their EOI Submission, Respondents are required to address the Response Requirements (outlined in Section 10), having regard to the Evaluation Criteria (outlined in Section 9).

12.3. Submission checklist

- a. Must be submitted by 31st October at 4 pm Australian Eastern Daylight Time (AEDT). An EOI Submission that is submitted late may not be accepted. Note that this closing date and/or time may be extended by an addendum, at the State's sole discretion.
- b. Must be submitted via the Government tender portal at tenders.vic.gov.au. EOI Submissions lodged by any other method will not be accepted.
- c. File type and size should be in accordance with the Government tender portal requirements.
- d. Should be no longer than **35 A4 pages** in total, including annexures
- e. Must respond to all requirements as outlined in the Response Requirements, including:
 - i. Respondent Details
 - ii. Proposed Solution (conceptual business model)
 - iii. Commercial and Financial Capacity
 - iv. Capability and Experience
- f. All amounts must be expressed in Australian dollars
- g. Must be written in English
- h. Should be in A4 format and in Microsoft Office 2003 (or later) or PDF format
- i. Should be in font no smaller than 9-point format
- j. May include hyperlink content, noting that the State may consider but is not obliged to evaluate this content. Such material should not be provided in lieu of a document submission.
- k. Should not contain generic marketing material.
- l. Failure to provide adequate information or sufficiently address the Evaluation Criteria will adversely affect the evaluation of the Respondent's EOI Submission and be detrimental to its chances of proceeding to the final stage of the process.

12.4. Respondent requests for clarification

Respondents may ask questions in relation to the EOI in accordance with the EOI Terms and Conditions.

12.5. Late responses

- a. If an EOI Submission is lodged after the Closing Time, it may be disqualified from the EOI Process and may be ineligible for consideration unless:
 - i. the Respondent can clearly document to the satisfaction of DJPR that an event of exceptional circumstances caused the EOI Submission to be lodged after the Closing Time; and
 - ii. DJPR is satisfied that accepting a late submission would not compromise the integrity of the market approach.
- b. The determination of DJPR as to the actual time that the Respondent's response is lodged is final. All Offers lodged after the Closing Time will be recorded by DJPR.

12.6. Status of a response

- a. This Request is an invitation to submit an EOI for the provision of the establishment of the Hub
 - i. Nothing in this EOI is to be construed, interpreted or relied upon, whether expressly or implied, as an offer capable of acceptance by any person, or as creating any form of contractual, promissory, restitutionary or other rights
 - ii. No binding contract (including a process contract) or other understanding (including any form of contractual, promissory, restitutionary or other rights) for the supply of the Goods and/or Services will exist between DJPR and any respondent unless and until DJPR has signed a formal written contract.

12.7. Obligation to notify errors

If a Respondent identifies an error in its EOI Submission after the Closing Time (excluding clerical errors which would have no bearing on the evaluation), it must promptly notify DJPR. DJPR may, in its discretion, permit a Respondent to correct an unintentional error in its EOI Submission after the Closing Time, but in no event will any correction be permitted if DJPR reasonably considers that the correction would materially alter the EOI Submission.

12.8. Next stage of the selection process

The approach to the second stage of the selection process is set out in Section 8.

13. TERMS AND CONDITIONS



TERMS AND CONDITIONS

13.1. Defined terms

- a. The definitions apply only to this section – Terms and Conditions.
- b. Evaluation Criteria means the evaluation criteria specified under Evaluation Criteria (outlined in Section 9)
- c. Assessment Panel means the evaluation panel for evaluation of EOI Submissions appointed by the State.
- d. Closing Time means 31st October at 4 pm Australian Eastern Daylight Time (AEDT) for EOI Submissions for Respondents.
- e. EOI Document means any information provided or disclosed to the Respondent during the EOI Process and includes any information on the Project website <https://djpr.vic.gov.au/cremornedigitalhub> and the government tender portal.
- f. EOI Process means the process contemplated by or pursuant to this Request for EOI.
- g. EOI Submission means the response submitted by each Respondent to the Request for EOI.
- h. Final stage and selection process means the request for a detailed proposal prepared as part of the following stage of the EOI process.
- i. Intellectual Property Rights means all intellectual property rights, including the following rights:
 - i. patents, copyright, rights in circuit layouts, designs, moral rights, trade and service marks (including goodwill in those marks), domain names and trade names and any right to have confidential information kept confidential;
 - ii. any application or right to apply for registration of any of the rights referred to in paragraph (a); and
 - iii. all rights of a similar nature to any of the rights in paragraphs (a) and (b) which may subsist anywhere in the world (including Australia).
- j. Probity Adviser means the probity adviser appointed for the purposes of the Project.
- k. Project means the selection(s) and processes contemplated by this EOI.
- l. Request for EOI means this request for expressions of interest including all annexures, attachments; and schedules of this request.
- m. Respondent means a party that submits an EOI Submission and includes any consortium members and partners.
- n. Respondent's Participants means the officers, employees, consultants and advisers of a Respondent, any named participant in the Respondent's EOI Submission and the officers and employees of those consultants and advisers and participants.
- o. RFP means the request for a detailed proposal prepared as part of the following stage of the Selection Process.
- p. State's Personnel means all employees, former employees, contractors, consultants, former consultants, advisers and agents engaged by the State in relation to the Request for EOI.
- q. Selection Process means the process described in Section 8 of this Request for EOI.

13.2. Interpretations

- a. This Clause 1.2 applies to the Conditions unless the contrary intention applies:
 - i. the singular includes the plural and vice versa and words importing a gender include other genders;
 - ii. other grammatical forms of defined words or expressions have corresponding meanings;
 - iii. a reference to a Clause, schedule or annexure in the Conditions is a reference to a Clause or schedule or annexure to, these Conditions and a reference to the Conditions includes any schedules and annexures;
 - iv. a reference to a document or agreement includes a reference to that document or agreement as novated, altered or replaced from time to time;
 - v. a reference to a party includes that party's executors, administrators, successors and permitted assigns;
 - vi. an obligation imposed by these Conditions on more than one person binds them jointly and severally;

TERMS AND CONDITIONS

- vii. a reference to a\$, \$A, dollar or \$ is to Australian currency;
- viii. a reference to time is to Melbourne, Australia time;
- ix. a reference to a person includes a natural person, partnership, body corporate, association, governmental or local authority or agency or other entity;
- x. the meaning of general words is not limited by specific examples introduced by 'including', 'for example' or similar expressions;
- xi. a rule of construction does not apply to the disadvantage of a party because the party was responsible for the preparation of these conditions or any part of them;
- xii. headings are for ease of reference only and do not affect interpretation

13.3. Submission process

a. Submission

- i. The EOI Submissions must be submitted via the Government tender portal by the Closing Time at tenders.vic.gov.au
- ii. EOI Submissions submitted by any other method will not be accepted.

b. EOI Submission format and contents

- i. Prior to submitting the EOI Submission, each Respondent should fully inform itself in relation to all matters arising from or in connection with this Request for EOI and the EOI Process, including all matters regarding the State's requirements for the EOI Submission.
- ii. Each Respondent must ensure that its EOI Submission complies with Response Requirements (outlined in Section 10)

c) Clarification requests by Respondents

- i. Clarifications or questions must be in writing and emailed to Mr Josh Hines, DJPR Procurement, email: josh.hines@djpr.vic.gov.au. Responses will only be provided to clarification questions received 72 hours prior to the EOI closing time. Questions and responses may be circulated or made available to all Respondents on a de-identified basis.
- ii. Where a Respondent is of the view that a clarification question is not of a general nature, but relates to proprietary aspects of its EOI Submission, the Respondent may identify that question as such. Should the State, or its agents, be of the view that the question is not proprietary, the State will advise the relevant Respondent who will then have the option to withdraw the question. If the relevant Respondent continues to request a response to that question, the question and response will be circulated to all Respondents.

d) Presentation to the State

- i. One or more Respondents may be required or invited to provide a presentation of their EOI Submission to the State as part of the EOI Process.
- ii. If this occurs, the State reserves the right to issue protocols with which the Respondent will be required to comply in order to participate in the presentation.

e) Clarification sought by the State After the Closing Time, the State may seek to clarify any aspect of a Respondent's EOI Submission that it considers to be unclear, ambiguous or contain contradictory statements on the following basis:

- i. requests for clarification may be issued to a Respondent with response time constraints. If the Respondent fails to respond within the requisite time frame, the answer, once received, may not be admissible;
- ii. requests for clarification will be presented in writing to the Respondent's nominated contact person via the email address nominated in the EOI Submission;

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- iv. Respondent may be invited to an interview to provide responses to requests for clarification; and
 - v. responses to a request for clarification must not substantively change an EOI Submission and any response to a clarification question attempting to change an EOI Submission will not be evaluated.
- f) Late EOI Submissions – An EOI Submission submitted after the Closing Time is a late EOI Submission. The State will not accept any late EOI Submissions, unless the State considers, in its absolute discretion, that acceptance is consistent with the integrity of the process outlined in these Conditions. In exercising this discretion, the State may take into account any factors it considers relevant including, without limitation:
- i. whether the late EOI Submission is likely to have had an opportunity to obtain some unfair advantage from late submission;
 - ii. any evidence of unfair or improper practices by the Respondent;
 - iii. how late the EOI Submission is, the reasons given for the lateness (and any evidence available to support these reasons); and
 - iv. whether the EOI Submission was mishandled by the State or by a reputable delivery service. Illegible content, correction of unintentional errors
- g) Illegibility or errors in EOI Submissions
- i. The State may disregard any content in an EOI Submission that is illegible and will be under no obligation whatsoever to seek clarification from the Respondent.
 - ii. The State may, in its sole discretion, permit a Respondent to correct an unintentional error in its EOI Submission where that error becomes known or apparent to the State after the Closing Time.
- h) Costs Each Respondent is responsible for its costs of:
- i. the preparation and submission of its EOI Submission;
 - ii. the participation in the EOI Process and any discussions;
 - iii. any future process in which it participates arising from or in connection with the EOI Process; and/or
 - iv. any amendment, suspension, abandonment, deferral, termination and/or reinstatement of the EOI Process.
- i) Withdrawal of EOI Submissions
- i. A Respondent who wishes to withdraw an EOI Submission previously submitted by it must immediately notify the State by email to Mr Josh Hines, DJPR Procurement, email: josh.hines@djpr.vic.gov.au. Upon receipt of such notification, the State will cease to consider that EOI Submission.
 - ii. The licence granted to the State by the Respondent under Clause 2.1 (n) (ii) below and the requirements imposed on that Respondent in this Request for EOI and under the Confidentiality Deed Poll will continue despite the withdrawal of the EOI Submission.
- j) Non-binding status of EOI Submissions
- i. Each EOI Submission constitutes a non-binding expression of interest by the Respondent to the State with respect to the EOI Process and the Project.
- k) Review process
- i. Following the Closing Time the State intends to evaluate the submitted EOI Submissions. The results of the evaluation of the EOI Submissions undertaken by the State may or may not be published publicly at the State's sole discretion.

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l) Review process

By lodging an EOI Submission, the Respondent acknowledges that:

- i. this Request for EOI is not an offer or an invitation to treat;
- ii. no contract exists or will arise between the State and a Respondent or any person in respect of the Project by reason of this Request for EOI, an EOI Submission or any stage of the EOI Process;
- iii. the rights, powers and discretions given to the State in this Request for EOI are not pursuant to any contract between the State and the Respondent, however, by participating in this EOI Process, all Respondents agree and acknowledge that the State has and can exercise those rights, powers and discretions;
- iv. despite the previous paragraph, by lodging an EOI Submission, the Respondent is agreeing to be bound by the terms of this Request for EOI; and
- v. the State has no contractual or other legal obligation to the Respondent or any other person arising out of this Request for EOI with respect to the consideration, the evaluation, the acceptance or the rejection of any EOI Submission or the failure to consider, evaluate or accept any EOI Submission.

m) Change in circumstance

- i. If, after an EOI Submission has been submitted, the Respondent becomes aware of an error (including any inconsistency with this Request for EOI) in the EOI Submission (excluding clerical errors which would have no bearing on the review of the EOI Submission) or any change in circumstance that may affect the truth, completeness or accuracy of any information provided in the EOI Submission, the Respondent must promptly notify the State of such error by email to Mr Josh Hines, DJPR Procurement, email: josh.hines@djpr.vic.gov.au.
- ii. If a Respondent is short-listed to participate in the Final stage and selection process, any change to the Respondent composition or the Respondent Participants will require the prior written approval of the State which may be given or withheld in the State's sole discretion.

n) Intellectual Property Rights in EOI Documents

- i. The State retains ownership of all Intellectual Property Rights in:
 - this Request for EOI; and
 - any other EOI Document.
- ii. Each person who obtains or receives this Request for EOI and any EOI Document may only use that EOI Document for the purpose of preparing their EOI Submission and participating in the EOI Process.

o) Intellectual Property Rights in EOI Submissions

All EOI Submissions become the property of the State on submission and will not be returned to Respondents.

Each Respondent:

- i. retains ownership of all Intellectual Property Rights in its EOI Submission; and
- ii. grants to the State (and its officers, employees, contractors, advisors, consultants and agents) a non-exclusive, perpetual, irrevocable, royalty-free, sublicensable licence to use, reproduce, communicate, modify, publish, adapt and disclose the whole or any part of their EOI Submission (including any and all information, materials, data, concepts, ideas, know-how, methodologies and processes comprised in the EOI Submission) for any purpose whatsoever relating to the Project, including for:
 - reviewing the EOI Submission;
 - use in documents or other materials created by or on behalf of the State relevant to the Project (for example, use in other documents relating to the Project); and
 - compliance with applicable laws.

Each Respondent warrants that the use of the Respondent's EOI Submission by the State in accordance with (n) will not infringe the Intellectual Property Rights of any person.

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13.4. Assessment process

- a) The State is not required, and does not intend, to release any specific details regarding the evaluation process.
- b) Respondents who are not selected to proceed to the Final stage and selection process phase may make a formal request to the State for a debrief by email to Mr Josh Hines, DJPR Procurement, email: josh.hines@djpr.vic.gov.au The nature and extent of the debrief allowed will be in the sole discretion of the State.

13.5. Respondent warranties

- a) Each Respondent warrants that:
 - i. in lodging its EOI Submission it did not rely on any express or implied statement, warranty or representation, whether oral, written, or otherwise made by or on behalf of the State, its officers, employees, agents, contractors or consultants;
 - ii. it did not use the improper assistance of the State, any staff or agents of the State or any consultants or contractors assisting the State with the EOI Process or who contributed to or prepared any Due Diligence Materials, or information unlawfully obtained from the State in compiling its EOI Submission;
 - iii. it has examined the EOI Documents, and any other documents referenced or referred to in any of them, and any other information made available by or on behalf of the State to Respondents for the purposes of submitting an EOI Submission;
 - iv. it has conducted its own independent investigations, due diligence and analysis and fully informed itself and assessed all matters arising from this EOI Process, the EOI Documents and any other documents referenced or referred to in any of them and acknowledges that the EOI Documents were not prepared specifically for the EOI Process;

- v. having made proper enquiries, neither it nor the Respondent's Participants has any actual or perceived conflict of interest in relation to its potential involvement in the Project unless otherwise disclosed to the State on or prior to the Respondent's EOI Submission;
 - vi. neither it nor any Respondent's Participant has any interest or relationship that may otherwise impact on the actual or perceived integrity of the EOI Process, the Selection Process more broadly or the ultimate outcomes of this Selection Process or the Respondent's participation in it;
 - vii. having made proper enquiries, it is not aware of any other matter which may impact on the actual or perceived integrity of the EOI Process, the Selection Process more broadly or the ultimate outcomes of this Selection Process or the Respondent's participation in it;
 - viii. it will notify the State promptly upon becoming aware of any of the matters listed in paragraphs (v), (vi) and (vii) above; and
 - ix. It is satisfied as to the correctness and sufficiency of its EOI Submission, which may be relied upon by the State in its selection of Respondents to be short-listed to participate in the Final stage and selection process.
- b) Each Respondent acknowledges that the State will rely on the above warranties when evaluating its EOI Submission.

13.6. State's rights

- a) Without limiting its rights at law or otherwise, the State reserves the right, in its sole discretion at any time, to do all or any of the following:
 - i. consider and accept any EOI Submission that is non-conforming;
 - ii. consider and accept any EOI Submission;
 - iii. subject to Clause 2.1(f), consider and accept any late EOI Submission;
 - iv. vary or extend any time or date specified in this Request for EOI for all or any Respondents;

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- v. suspend, terminate, restart and/or re-advertise the EOI Process (in the same or different form) or commence a new EOI Process (in the same or different form);
- vi. terminate the participation of any Respondent or any other person in the EOI Process, regardless of whether it has submitted its EOI Submission or the EOI Submission conforms with the requirements of this Request for EOI;
- vii. require additional information to be provided by any Respondent;
- viii. cancel, add to, or amend the information, terms, procedures, evaluation process timetable or protocols set out in this Request for EOI (including issuing addenda to this Request for EOI to modify or clarify the Request for EOI, in which case all such addenda will become part of the Request for EOI);
- ix. if the State decides to proceed with the Project (and it is under no obligation to so proceed), conduct the Selection Process and, subject to the State's intellectual property obligations (if any), use information gained in or in relation to this EOI Process for that purpose;
- x. alter or defer any activity in the EOI Process (including clarification discussions) at any time with any Respondent;
- xi. elect not to provide a Respondent with any reason for any actions or decisions it may take, including in respect of the exercise by the State of any or all of the rights the State may have;
- xii. take such other action as it considers in its sole discretion appropriate in relation to the EOI Process, any of the EOI Documents or the Project; and
- xiii. replace, supplement and/or amend these terms and conditions in relation to the Final stage and selection process.

13.7. Probity advisor

- a) The State has appointed a probity adviser for the Selection Process.

13.8. Probity principles

- a) The Selection Process will be governed by the following principles of probity:
 - i. open and competitive process;
 - ii. fairness and impartiality;
 - iii. transparency of process;
 - iv. security and confidentiality of information; and
 - v. identification and resolution of potential conflicts of interest.

13.9. Role of Probity advisor

- a) The Probity Adviser will:
 - i. overview the processes and procedures contemplated by this Request for EOI; and
 - ii. administer all probity issues arising from this Request for EOI and negotiations and discussions arising from it.
- b) The Probity Adviser will not form part of the Assessment Panel and will not be involved in the evaluation and assessment of any EOI Submission but will be an independent observer of this EOI Process

13.10. Conflicts of interest

- a) Respondents must notify the State (via Mr Josh Hines, DJPR Procurement, email: josh.hines@djpr.vic.gov.au) promptly as soon as they become aware:
 - i. that any Respondent or Respondent's Participant has an actual, potential or perceived conflict of interest;
 - ii. that any Respondent or Respondent's Participant has any other interest or relationship that may otherwise impact on the actual or perceived integrity of the EOI Process, the Selection Process more broadly or the ultimate outcomes of this Selection Process or the Respondent's participation in it; or
 - iii. of any other matter which may impact on the actual or perceived integrity of the EOI Process, the Selection Process more broadly or the ultimate outcomes of this Selection Process or the Respondent's participation in it.

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- b) For the purposes of this Clause, a conflict of interest may exist if, for example, a Respondent or Respondent's Participant:
 - i. has a relationship (whether professional, commercial or personal) with the State or any State personnel, or with any members of the Parliament of Victoria, to the extent relevant to this Selection Process; or
 - ii. has a relationship (whether professional, commercial or personal) with an adviser or consultant engaged by the State in relation to this Selection Process.

13.11. Compliance with laws

- a) The Respondent must, and must ensure that all the Respondent's Participants comply with all laws in relation to participation in the EOI Process.

13.12. Collusive tendering

- a) A Respondent and the Respondent's Participants must not:
 - i. engage in any collusive tendering, anti-competitive conduct or any other similar conduct with any other Respondent or any other person in relation to the preparation or submission of an EOI Submission; or
 - ii. offer any incentive to, or otherwise attempt to, influence any of the persons who are either directly or indirectly involved in the evaluation process, or in the awarding of any subsequent contract.
- b) If the State determines in its sole discretion that a Respondent or a Respondent's Participant has violated Clause 2.9, the Respondent may be excluded from the EOI Process.

13.13. State's investigations

- a) The State may conduct independent research and investigations regarding the Respondent and any associate of the Respondent and the information contained in the EOI Submission. The State reserves the right to take into account any matters revealed as a result of such research and investigations in evaluating proposals
- b) The State will be under no obligation to provide Respondents with details of the results of such research and investigations. The State reserves the right to defer or cancel the acceptance of a particular EOI response or take such other action as it considers appropriate in light of the information it receives as a result of conducting such research and investigations.

13.14. Miscellaneous

- a) Credit Information
 - i. The State may have access to and give consideration to:
 - any risk assessment undertaken by any credit rating agency; and
 - any information produced by a bank, financial institution or accountant of a Respondent so as to assess the EOI Submission and may consider such materials as tools in the assessment and evaluation process.
 - ii. In submitting an EOI Submission, the Respondent will be taken to have consented to the State accessing this risk assessment and information, including any relevant personal information.
- b) Governing law and jurisdiction
 - i. This document is governed by the law of Victoria. The Respondent irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of Victoria.

