



Request for Proposal (RFP)

from: New Zealand Police

for: Oral Fluid Testing Equipment

ref: TN/22/12

RFP released:		23 Mar 2022
Deadline for Questions:	1700hrs,	08 Apr 2022
Deadline for written Proposals:	1700hrs,	25 Apr 2022
Deadline for field sample equipment		10 May 2022

New Zealand Police
Police National Headquarters
180 Molesworth Street, Thorndon
Wellington

The opportunity

Summary requirement

New Zealand Police is seeking to purchase oral fluid testing devices able to be used to test drivers to detect the presence of drugs.

Background

New legislative requirement

The New Zealand Government has enacted the Land Transport (Drug Driving) Amendment Act 2022.

The Legislation introduces enforcement for drug driving. Offences will be determined when a positive result is returned from Oral Fluid Tests (OFT) conducted by New Zealand Police officers.

This OFT is new capability to be implemented within NZ Police.

Implementing capability

The Organisational implementation process of this new capability currently includes a dual approach.

Firstly, Police seek to source a suitable OFT device from currently available products that will suitably meet the necessary Requirements. This approach will be completed through this open, competitive RFP.

Secondly, NZ Police has a pre-existing partnership arrangement with a Crown research institute (CRI) to co-develop a handheld OFT device. This development process is expected to take two years to reach a determination of its suitability.

Progress of the CRI development will reach a decision point that could include either of the following:

- i. Continue to only operate equipment selected from this RFP
- ii. Maintain the RFP equipment and incorporate the co-developed equipment
- iii. Transition to only use the co-developed device

Milestone quantities

We estimate over the first three years of operational deployment our sample test collection device quantities required, will be approximately:

Year 1 operational	Year 2 operational	Year 3 operational
36,000	57,000	72,000

The implementation period is expected to run through until February 2023 and may use 600 -700 collection devices for training purposes during implementation.

Operational deployment is expected to commence from March 2023.

Purpose of this RFP

This RFP is being issued to allow Police to assess currently available OFT devices for suitability to meet the Requirements which include accompanying supply chain processes to enable implementation and delivery of the operational demand through until at least the end of the year one requirement.

Any contract that may arise from this RFP process will include a framework that can be adapted to reflect the decision relating to the CRI co-development work.

Contract

Contract Term

Any contract that arises from the RFP will include:

- i. An initial Term of two years, encompassing implementation and year 1 operational
- ii. An option to extend for a further one-year period
- iii. A further option to extend a further one-year period or at which time an evergreen term may be negotiated. Negotiation of an evergreen term will include review and potential variation of clauses that may exist relating to exclusivity and quantity commitments.

Contract implementation

Any product selected from the RFP process must complete the Government's acceptance process which includes publication in the [NZ Gazette](#).

The publication will be a prerequisite to signing a contract, therefore the period from RFP commencement through to contract could reach to around September 2022. Implementation to train police officers can then commence.

We anticipate progressing as much contract preparation as able in parallel to the Gazette publication process.

The year one operational requirement is targeted to commence in March 2023.

SECTION 1: Key Information

1.1 Context

- a. This Request for Proposals (RFP) is an invitation to submit a Proposal for the oral fluid testing equipment contract opportunity.
- b. This RFP is a competitive, open, single-step procurement process.

1.2 Our timeline

Here is our timeline for this RFP (all are New Zealand times and dates):

Deadline for Questions	1700hrs 08 Apr 2022
Deadline for us to answer questions	15 Apr 2022
Deadline for receiving written Proposals	1700hrs 25 Apr 2022
Deadline for receiving field testing samples	1500hrs 10 May 2022
Successful Respondent(s) notified (indicative)	Jul 2022
Expected start date of Contract (indicative) – <i>Gazette Approval Required</i>	31 Oct 2022

1.3 How to contact us

- a. Only contact us through our Point of Contact via email, for any matter relating to this RFP.
- b. Our Point of Contact:

Title/role: Contracts Administrator, National Procurement Group

Email address: tenders.national@police.govt.nz

1.4 Developing and submitting your Proposal

- a. This is an open, competitive tender process.
- b. Take time to read and understand the RFP.
- c. Take time to understand our Requirements. These are in SECTION 2 of this document.
- d. Take time to understand how your Proposal will be evaluated. See SECTION 3 of this document.
- e. For resources on tendering visit <https://www.procurement.govt.nz/suppliers-2/>
- f. If you have questions, ask our [Point of Contact](#) before the [Deadline for Questions](#) (see Section 1.2 above).
- g. Use RFP Response Form Part 1 file provided with this RFP document to complete and submit your non-price written Proposal.
 - i. Include product verification certifications subject to your answer to #2 in Response Form Part 1
 - ii. Include insurance certificates, subject to your answer to #3 in Response Form Part 1.
 - iii. Complete **and** sign the Declaration at the end of Response Form Part 1.

- h. Use the RFP Response Form Part 2, provided with this RFP document to complete and submit your price Proposal.
- i. Check you have provided all the necessary information in the correct format and order.
- j. Submit your Proposal before the [Deadline for Proposals](#).
- k. Despatch the required field test samples (See 1.5).

1.5 Address for submitting your Proposal

RFP Response Form:

- a. Email your completed RFP Response Forms to the following address: tenders.national@police.govt.nz.
- b. Make sure you include all attachments and reference material.
 - i. **NOTE.** The email size, including attachments, is limited to 30MB. Messages exceeding 30MB will need to be sent in separate emails.
- c. Make sure all pricing information is in a separate file.

Field testing sample delivery ([See section 2.3a Field testing samples](#))

- d. Address and deliver your equipment samples for field testing as follows:

RFP TN22/12 OFT Equipment
National Procurement Group
New Zealand Police
180 Molesworth Street
Thorndon
Wellington

- e. Ensure necessary operating instructions are included.

1.6 Our RFP Terms

a. Offer Validity Period

By submitting a Proposal, the Respondent agrees that their offer will remain open for six calendar months from the Deadline for Proposals.

b. RFP Terms

By submitting a proposal, the Respondent agrees to the RFP-Terms described in SECTION 6 .

Remember, if a Respondent commits a non-trivial breach of the RFP-Terms, we may exclude them from further participation in the RFP process, whether or not that requirement is contractually binding.

1.7 Later changes to the RFP or RFP process

- a. After publishing the RFP, if we need to change anything or provide additional information, we will let all Respondents know by sending notifications of any changes to the registered contact by email.

1.8 Defined terms

- a. These are shown using capitals. You can find all definitions at the back of the RFP-Terms.

SECTION 2: Our Requirements

2.1 Key outcomes

- a. The key outcome is to establish and contract a source for supply of goods and services necessary to sustain OFT processes that support NZ Police's legislative requirements of the Land Transport (Drug Driving) Amendment Act 2022.

2.2 What we require

In conjunction with information included in the "The opportunity" section of the RFP document, Section 2 outlines the scope of our Requirements arranged into categories that will we evaluate Proposals against.

Category A. Detection Assurance/Track record

- i. The oral fluid test process can detect and provide positive results for specified qualifying drugs, that are included in the definition of qualifying drugs in the [Land Transport Act 1998 \(LTA\)](#); and
- ii. Test devices should be able to test for at least one of the six priority drugs THC (the psycho-active ingredient in cannabis), methamphetamine, benzodiazepines (sedatives) MDMA (ecstasy), opiates (e.g. morphine) and cocaine.
- iii. The Respondent can provide evidence, such as independent third-party certification, to verify the accuracy of the sensitivity and specificity of results at the cut-off thresholds that the OFT device tests to.
- iv. We are seeking a solution that can preferably meet the requirements of 71G "*Approval of oral fluid tests and oral fluid testing devices*", contained in clause 21 of the Land Transport (Drug Driving) Amendment Act 2022. (See Appendix 1)
- v. We would like to be aware of your insurance policy status.

Category B. Product delivery dates

- | | | |
|------|---|--|
| i. | Delivery of sample equipment for evaluation purposes | by 1500 hrs, May 10 th , 2022 |
| ii. | Delivery of equipment for piloting/ initial training | Expected to be November 2022 |
| iii. | Delivery of equipment for operational deployment | Expected to be February 2023 |
| iv. | Delivery details for ii and iii will be confirmed during finalisation of contract negotiations. | |

Category C. Capability and characteristics

- i. We are interested in a solution that may include all or some of the following:
 - a. has a reasonable shelf life, and a known period after which device performance is compromised.
 - b. is serial numbered and batch numbered, for traceability
 - c. May include additional accessories that could provide enhanced features and benefits e.g., such as
 - i. Accompanying/optional analyser
 - ii. Data storage and transfer capability
 - iii. GPS/ Wi-Fi/ Bluetooth connectivity
 - iv. Accompanying app/ software

- v. Notification that sample collection process is complete
- vi. Self-calibration
- vii. Printer

Category D. Operability

- i. We are looking for a test device and any accompanying accessories it might include, that is portable, easy to carry in police patrol vehicles. The test should be able to be administered at the roadside while the driver remains in their vehicle, and/or to a driver who has moved inside a mobile road safety base.
- ii. We are looking for a device that
 - a. will be easy for Police officers to learn to operate.
 - b. is relatively easy to implement into our common operating conditions likely to be encountered when conducting the OFT.
 - c. performs consistently, in the variable conditions that could be commonly experienced when performing tests, such as different weather conditions and temperatures and different light conditions.
 - d. returns results in a timely manner.
 - e. is suitably robust to withstand the potential for minor knocks or drops

Category E. Price

- i. We are looking for a solution that provides a transparent price model and a whole of life price that reflects value for money for the solution being offered. This means achieving a balanced combination of fit for purpose, quality, and price.
- ii. Payment will be upon invoice, following receipt of equipment.
- iii. Refer to Section 4 of the RFP for further information relating to pricing.

2.3 Other information.

a. Field testing samples

- i. Respondents will need to provide devices and equipment to allow for 30 tests to be completed, by the members of the evaluation team to assess Category D - Operability.
- ii. Field test samples should be received by the date included in 1.2 Our Timeline.
- iii. Note the shortlisting conditions included in Section 3 Evaluation.

b. Other RFP documents

- i. The RFP documentation consists of this document the RFP and:
 - Response Form Part 1. Non-price
 - Response Form Part 2. Price.
 - TN22_12 RFP Section 6 Terms.

SECTION 3: Our Evaluation Approach

This section sets out the Evaluation Approach that will be used to assess Proposals.

3.1 Evaluation model

- a. The RFP evaluation process is using “two envelopes” system and will evaluate non-price Proposal information before proceeding to assess the Pricing material.
- b. Respondents must provide all financial information relating to price, expenses, and costs in a separate soft copy file. This can be included as a separate attachment in the Response Email (**note** the 30MB email limitation 1.5 b i).
- c. RFP Proposals will be assessed using Qualitative, non-weighted criteria. The method involves evaluators assessing the merits of each Proposal against the Section 2 Requirements and then compare all Proposals against each other. The evaluation panel will provide a descriptive record of those merits of the individual Proposal and the comparison to other Proposals, rather than apply a numerical score.
- d. The evaluation panel will rate non-price Proposals against the ratings included in 3.2 below and a shortlist may be determined based on the Shortlist conditions included in 3.3.
- e. The evaluation panel will rate shortlisted price Proposals against the ratings included in 3.4 below.
- f. At the conclusion of the evaluation stages, Proposals will be ranked based on their suitability to meet the requirements in a manner most suited to the NZ Police environment.

3.2 Non-price evaluation ratings

- a. Section 2 Requirement Category A, C and D will each reach a moderated rating from the non-price ratings table below.
- b. Category B is self-fulfilling, samples will either be received or not.
- c. Shortlisting will occur the conclusion of assessing Category A and C then again after assessing Category, in accordance with the shortlist conditions included in section 3.3 below.

Non-price ratings table

Rating	Technical Merit
A	Not suitable to fulfil the requirements sufficiently.
B	Suitable to fulfil only a portion of requirements. Will be difficult to overcome or integrate into Police operating procedures without compromise by Police or modification.
C	Suitable to fulfil most requirements, but some degree of shortcoming considered to be minor by the evaluators.
D	Suitable to fulfil the requirements. May also include other features however not expected to be utilised by Police therefore not beneficial to intended operating conditions.
E	Suitable to fulfil the requirements and includes additional features that if utilised by Police will provide an enhanced capability.

3.3 Shortlisting conditions

- a. All non-price Proposals that meet the shortlisting conditions will be shortlisted. This means all Proposals could be shortlisted.

- b. Non-price Proposals rated as C or D or E from the non-price ratings table, at the completion of evaluating Requirement category A) Detection Assurance/ Track record and C) Capability and Characteristics and where field test samples have been received, will be shortlisted.
- c. Proposals shortlisted at this stage will undergo field testing to assess category D) Operability.
- d. Samples from non-shortlisted Proposals will not be used and may be returned upon request from the Respondent.
- e. Proposals rated as either C or D or E from the non-price ratings table, at the conclusion of assessing category D) Operability, will be further shortlisted for inclusion in the pricing evaluation.
- f. Response Form Part 2 Price files will not be opened for Proposals not shortlisted.

3.4 Pricing, value for money assessment

Section 2 Requirement Category E, Price will reach a moderated rating from the price ratings table below

If a Respondent offers a substantially lower price than other Proposals, we may make enquiries or require additional evidence to verify that the Respondent can meet all the Requirements and conditions of the Proposed Contract for the price quoted.

Prices must be in New Zealand Dollars, exclusive of Goods and Services Tax (GST).

Note: Any claims made about price must be clear, accurate and unambiguous.

Price ratings table

Rating	Description
A	The Proposal lacks sufficient detail to be able to assess the whole of life cost against the RFP requirement outline.
B	The Proposal provides a value and may include rate details, but it is either or all: <ul style="list-style-type: none"> • unclear how the value is calculated • Does not provide sufficient detail or list of cost components and rates to enable scenario modelling • Is unclear if quantity or price breaks exist or what those breaks are.
C	The Proposal provides sufficient information to assess the whole of life cost. Its nominal price is high; and its relative price (value for money) is less competitive than alternatives. It does not represent comparative good value for money.
D	The Proposal provides sufficient information to assess the whole of life cost. Its nominal price is high; however, its relative price (value for money) is competitive for the additional benefits in the offered Proposal. A higher contract price will be incurred but the solution is offering greater benefit to Police than alternative Proposals.
E	The Proposal provides sufficient information to assess the whole of life cost. Its nominal price is competitive; however, its relative price (value for money) is less competitive than alternatives.
F	The Proposal provides sufficient information to assess the whole of life cost. Its nominal price is competitive; and its relative price (value for money) is amongst the most competitive.

3.5 Due Diligence

If need arises, we may seek further information to assist our due diligence. This may include for example, interviewing respondents, referee checks or undertaking Police vetting check of named personnel.

4 Pricing information

4.1 Pricing information provided by Respondents

- a. The Pricing Schedule, Response Form Part 2, must show a breakdown of all costs, fees, expenses and charges (e.g. freight costs, exchange rate fluctuations, etc). It must also clearly state the total Contract price exclusive of GST.
- b. Where the price is based on fee rates, specify all rates, either hourly or daily or both as required.
- c. Respondents must show how they will manage risks and contingencies related to the delivery of the Requirements.
- d. Respondents must document all assumptions and dependencies that affect its pricing and/or the total cost to us. In other words, if the Respondent would expect us to pay more than the quoted price or estimate if particular assumptions or dependencies are not satisfied, the Respondent must call out those assumptions and dependencies.
- e. Respondents must tender prices in NZ\$. Unless otherwise agreed, we will arrange contractual payments in NZ\$.
- f. Respondents may submit a pricing approach that is different to the Pricing Schedule, however, the Respondent must also submit a Pricing Schedule that conforms.
- g. If two or more Respondents intend to submit a joint Proposal the Pricing Schedule must include all costs, fees, expenses and charges chargeable by all Respondents.

5 Our Proposed Contract

5.1 Proposed Contract

The proposed Contract will be negotiated with the successful Respondent, based on the approved Government contract for Goods template available at <https://www.procurement.govt.nz/procurement/templates>.

6 RFP Terms

A copy is included in a separate file provided with this RFP documentation.

Appendix 1. Legislation Excerpt

Excerpt extracted from clause 21 of the [Land Transport \(Drug Driving\) Amendment Act 2022](#).

71G Approval of oral fluid tests and oral fluid testing devices

- (1) The Minister of Police may, by notice, approve—
- (a) a kind of device that may be used as an oral fluid testing device for the purposes of testing oral fluid for the presence of 1 or more specified qualifying drugs;
 - (b) the manner in which an oral fluid test may be carried out by means of an oral fluid testing device.
- (2) Before giving a notice under subsection (1), the Minister of Police must—
- (a) consult the Minister of Transport and the Science Minister; and
 - (b) have regard to the accuracy of the device; and
 - (c) be satisfied that any device proposed to be approved under subsection (1)(a) and used in a manner proposed to be approved under subsection (1)(b) will return a positive result only if the device detects the presence of a qualifying drug at a level that indicates recent use of a specified qualifying drug.
- (3) In determining for the purposes of subsection (2)(c) whether a device will return a positive result only if the device detects the presence of a qualifying drug at a level that indicates recent use of a specified qualifying drug, the Minister must have regard to any relevant New Zealand Standards or joint Australian/New Zealand Standards.
- (4) A notice made under subsection (1) for the purposes of approving a kind of device or a test—
- (a) must specify, for each specified qualifying drug, the concentration level of the qualifying drug in the person's oral fluid at or above which the result of the test will appear positive for that qualifying drug; and
 - (b) may—
 - (i) define an approved device as a device that bears or is associated by its manufacturer with such trade name or number or other expression, or any combination of those things, as may be specified in the notice;
 - (ii) provide for a test, or part of a test, to be carried out in accordance with instructions displayed or printed on or by a specified kind of device.
- (5) In the absence of proof to the contrary, a device is to be treated as bearing or being associated with a particular trade name or number or other expression if that name or number or other expression—
- (a) appears on the device, whether on a label or otherwise, or is shown on a display panel on the device;
or
 - (b) is printed out by the device on a card or on paper; or
 - (c) appears on printed matter that—
 - (i) accompanies the device; and
 - (ii) is associated with the device or is intended by the manufacturer of the device to be associated with the device; and
 - (iii) is issued by or on behalf of the manufacturer.
- (6) In this section, specified qualifying drug means a qualifying drug specified in a notice made under subsection (1).
- (7) A notice made under this section is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).