



TENDER EVALUATION REPORT

TN/22/12

Oral Fluid Testing Equipment

TENDER EVALUATION REPORT

Aims

1. The aims of this Tender Evaluation Report (TER) are to:
 - Detail and document the results of the evaluation of tenders received in response to the Request for Proposal 'TN/22/12 Oral Fluid Testing (OFT) Equipment'
 - To provide recommendations for consideration and approval by the OFT Equipment Procurement Project Governance Board, and the National Procurement Group.

Background

2. New Zealand Police is seeking to purchase oral fluid testing devices able to be used to test drivers to detect the presence of drugs.
3. 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.

Procurement Method

4. In accordance with the Procurement Plan (reference A), the proposed procurement method was an open tender Request for Proposal (RFP). The Procurement Plan and the RFP (reference B) were endorsed by the National Procurement Group and the OFT Equipment Procurement Project Governance Board. The Request for Proposal (RFP) was released on 23 March and tenders closed 27 April at 1700hrs.

TENDER EVALUATION METHODOLOGY, CRITERIA & TEAM

Methodology and Criteria

5. Responses were evaluated against a Qualitative Criteria¹ to reach a moderated result for each Response. This is a non-weighted criterion, using a narrative approach to assess and distinguish the relative merits of each response using the non-price ratings table below.
6. Responses only rated C, D, or E from the non-price ratings table were shortlisted, due to meeting most requirements. Those rated as A or B were considered non-confirming, due to unsuccessfully meeting the requirements.

Non-price ratings table

Rating	Technical Merit (RFP content)	Guidance to Evaluators (internal content)
A	Not suitable to fulfil the requirements sufficiently.	Responses rated in this category will not be selected.
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.	Not considered a sufficient solution. Responses rated in the is category will not be selected.
C	Suitable to fulfil most requirements, but some degree of shortcoming considered to be minor by the evaluators	Determination whether to progress a response will be subject to if other responses are considered more highly and if/or how the shortcomings can be addressed satisfactorily.
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.	Responses in this category are considered viable solutions, fit for purpose as is.
E	Suitable to fulfil the requirements and includes additional features that if utilised by Police will provide an enhanced capability.	Responses rated in this category will be considered the most suitable solutions (functionally) in this assessment category.

Non-price response information and the equipment was evaluated before proceeding to assess the pricing material using the price rating table below.

¹ *Mastering Procurement. A structured approach to strategic procurement.* Government Procurement Solutions. Ministry of Economic Development. 2011.

Price ratings table

Rating	Description (for RFP doc)	Guidance to Evaluators (internal content)
A	The response lacks sufficient detail to be able to assess the whole of life cost against the RFP requirement outline.	we can't follow the model to reliably calculate a value
B	The response 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. 	We get an idea, we can see some numbers. Maybe we get the price for each device and some rolled up maintenance proposal that we can't breakdown.
C	The response 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 good value for money	All makes sense for evaluation. But its high priced and compared to other options is over priced in terms of what we get for our money.
D	The response 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 Response. A higher contract price will be incurred but the solution is offering greater benefit to Police than alternative Responses.	It is high priced however it performs more things or just performs a whole lot better than other devices that the higher price reflects the higher overall performance. IT may not be affordable, and we can live without the extra performance -but if we had it we'd use it. Could maybe negotiate different process or something to reduce costs???
E	The response 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.	It all makes sense Unit prices are competitive, but it doesn't perform as well as others so therefore not such good value for money.
F	The response 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.	It all makes sense Unit prices are competitive. It performs well and includes suitable features, not the top of the market like (D) but will meet objectives. Good value and a viable solution.

- At the conclusion of the non-price and price evaluation stages, responses were ranked based on their suitability to meet the requirements in a manner most suited to the NZ Police environment.

Tender Evaluation Team

8. The Tender Evaluation Team (TET) members were:

Role	Name	Organisation
TET Chair/Project Executive	Insp. Dan Mattison	New Zealand Police
Acting TET Chair/Project Executive	Insp. Pete Jones	New Zealand Police
CVST Operations	S/Sg Mike McRandle	New Zealand Police
Prosecutions	Insp Colin McGillivray	New Zealand Police
Deployment	S/Sgt Simon Mooney	New Zealand Police
Mobility	Sgt Blair Dalton	New Zealand Police
Operations	Sgt Harry McLennan	New Zealand Police
Health and Safety	Tracy Heron	New Zealand Police
Evaluating Officer	Const. Rob Keen	New Zealand Police
Evaluating Officer	Const. Richard Pentelow	New Zealand Police
Evaluating Officer	Sgt Joshua Smith	New Zealand Police
Evaluating Officer	S/Const. Scott Walker	New Zealand Police
Evaluating Officer	Const. Nick Hutton	New Zealand Police
Evaluating Officer	Const. Ashley Williams	New Zealand Police
Evaluating Officer	Const. Dave Felstead	New Zealand Police
Evaluating Officer	Const. Craig Hawkins	New Zealand Police

9. The advisors were:

Representative/s	Name	Organisation
Project/Administrative support	Alisha Rayns	New Zealand Police
Administrative support	Victoria Balmforth	New Zealand Police
Procurement Advice	Blair Mills / Sam Townhend	New Zealand Police
Finance Analyst	Karen Birks	New Zealand Police
Programme Manager	Roger Jordan	New Zealand Police

Conflict of Interest

10. Conflict of interest forms were completed by all TET members and the advisors. A summary of the declared conflict of interests is as follows:

Name	Conflict of Interest
Simon Mooney	The Institute of Environmental Science and Research (ESR) – involved in discussions as part of his role as operational and deployment lead for OFT.
Alisha Rayns	s9(2)(b)(ii) [REDACTED]

Tenders Received

11. The following Companies submitted tenders by the closing date of 27 April 2022:

#	Supplier	Product
1	s9(2)(b)(ii)	
2		
3		
4		
5		
6		
7		
8		
9		
10		

Tender Evaluation Process

12. The tender evaluation process was as follows:

Stage	Description
1	Evaluation of all non-price criteria (Category A and C)
2	Determine Short-listed Tenderers (as required)
3	Short-listed Tenderer trials and assessment (as required)
4	Determination of Conforming Tenders
5	Evaluation of Price (Conforming Tenders only)
6	Conforming Tender Ranking
7	Referee checks and due diligence
8	Final ranking of Short-listed Tenderers and due diligence
9	Draft Tender Evaluation Report submitted to National Procurement Group

STAGE 1-2: EVALUATION OF NON-PRICE CRITERIA & SHORTLISTING

13. TET members individually evaluated all tender ten responses against the category A and C requirements, then met as a group to discuss and reach a moderated score on 5-6 May 2022.

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 A – Moderated Scores & Summary

Respondent	s9(2)(b)(ii)									
Product	s9(2)(b)(ii)									
Category A	D	C	D	D	B	C	A	A	C	C
	Conform	Conform	Conform	Conform	Nonconform	Conform	Nonconform	Nonconform	Conform	Conform

14. s9(2)(b)(ii) received an unsatisfactory rating of A/B due to insufficient information or evidence that met the minimum criteria.
15. s9(2)(b)(ii) were rated C due to meeting minimum requirements, however, there were concerns relating to the accuracy of some of the devices, as well as some providing minimum detail.
16. s9(2)(b)(ii) all were rated D for sufficiently meeting Police requirements.

Category C. Capability and characteristics

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 C - Moderated Scores & Summary

Respondent	s9(2)(b)(ii)									
Product										
Category C	E	C	D	D	D	D	A	A	B	D
	Conform	Conform	Conform	Conform	Conform	Conform	Nonconform	Nonconform	Nonconform	Conform

17. s9(2)(b)(ii) received inadequate scores of A/B due to insufficient information or evidence, as well as being unsuitable for Police requirements.
18. s9(2)(b)(ii) was rated C due to meeting Police minimum requirements but being slightly out-dated in comparison to others.
19. s9(2)(b)(ii) and s9(2)(b)(ii) were scored high (D/E) due to sufficiently meeting Police requirements and in some cases being further technologically advanced than our requirements.

CONCLUSION OF EVALUATION STAGE 1 & 2

Product	s9(2)(b)(ii)									
Category A	D	C	D	D	B	C	A	A	C	C
	Conform	Conform	Conform	Conform	Nonconform	Conform	Nonconform	Nonconform	Conform	Conform
Category C	E	C	D	D	D	D	A	A	B	D
	Conform	Conform	Conform	Conform	Conform	Conform	Nonconform	Nonconform	Nonconform	Conform
shortlist 1	shortlist1	shortlist1	shortlist1	shortlist1	END	shortlist1	END	END	END	shortlist1

20. In summary, s9(2)(b)(ii) did not achieve the minimum score in one or more of the non-price evaluation criteria, thus were not considered further.
21. The confirming tenders that met the requirements, therefore were shortlisted to progress to evaluation stage 3 'trials' were:

#	Supplier	Product
1	s9(2)(b)(ii)	
2		
3		
4		
5		
6		

22. Appendix A provides a detailed evaluation summary that justifies the outcomes from this evaluation stage.

STAGE 3: TRIALS & ASSESSMENT

23. As part of the Request for Proposal response, responders were asked to submit device samples that could be trialled if shortlisted.
24. Of the six shortlisted, only five were trialled as samples of s9(2)(b)(ii) were not received on time to be trialled. Therefore, after careful consideration of the evaluation outcomes thus far, the Equipment Procurement Governance Board decided to remove that device from the shortlisting as they did not meet the requirement to deliver samples on time.
25. The trial and assessment took place over a two-day period on 18-19 May 2022 in a controlled environment through a range of scenarios involving volunteers as pretend drivers being tested (see the full trial plan attached in Appendix B)
26. Evaluating officers evaluated all five devices and assessed them individually against the operability requirements (Category D).
27. The following day, they met as a team to discuss and reach a moderated score.

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. The trial involved Officers from different areas of Policing trialling the devices in a simulated operational environment, then collectively assessing, and rating each device. Justification for the final scores can be found in Appendix B.
- iii. 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 D – Moderated Scores & Summary

Respondent	s9(2)(b)(ii)					
Product	s9(2)(b)(ii)					
Category D	C	D	C	B	B	A
	Conform	Conform	Conform	Nonconform	Nonconform	Nonconform
Shortlist 2	shortlist2	shortlist2	shortlist2	END	END	END

28. s9(2)(b)(ii) were rated unsatisfactory with a score of B. This was due to them taking the longest to complete the test in comparison to other devices (7 mins s9(2)(b)(ii)), as well as concerns around the hygiene of using the device as saliva sometimes overflowed. The other devices had no hygiene concerns and took between 1.5-5 minutes to complete a test. Both were also considered too awkward and not as user friendly compared to others. In particular, the s9(2)(b)(ii) is not as practical due to being

much bigger, and the s9(2)(b)(ii) was harder to navigate and harder to read in different light conditions.

29. s9(2)(b)(ii) could not be considered for the next stage due to not arriving in time for the trials.
30. s9(2)(b)(ii) were rated a C as they met minimum requirements, although there were some shortcomings, they could be overcome.
31. The s9(2)(b)(ii) device was rated highest at a D due to being the easiest, most reliable, and most user-friendly device out of all tenderers.
32. In summary, tenderers s9(2)(b)(ii) did not achieve the minimum accepted score, therefore, did not proceed to the next stage. The tenderers that met the minimum conforming score that progressed to the next stage are tabled below (see Appendix C for full summary).

#	Supplier	Product	
1	s9(2)(b)(ii)		
2			

s9(2)(b)(ii)

STAGE 4-6: CONFORMING TENDERS, PRICE EVALUATION, RANKING

33. Following the trial, follow-up questions were asked to all three responders to address points raised from the evaluation team where information was missing, or clarification was needed (see Appendix D for questions and responses).
34. Responses were then reviewed where it was concluded all three tenders conformed and were ranked as follows.

Respondent	s9(2)(b)(ii)		
Product	s9(2)(b)(ii)		
	Conform	Conform	Conform
Category C	E	C	D
	Conform	Conform	Conform
shortlist 1	shortlist1	shortlist1	shortlist1
Category D	C	D	C
	Conform	Conform	Conform
Shortlist 2	shortlist2	shortlist2	shortlist2
Cat D interim ranking	1	1	3

35. The s9(2)(b)(ii) were initially considered equal first as they both offer an electronic reader that offers the reassurance of the results being interpreted accurately, plus will provide evidentiary support. Although the s9(2)(b)(ii) was rated third, this is only based on not having the electronic reader capability, otherwise, it still meets all requirements.
36. Based on this, the TET decided to proceed with evaluating the price of all three using criteria E outlined below.

Category E. Price

- a. 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.
- b. This means achieving a balanced combination of:
 - i. fit for purpose
 - ii. quality
 - iii. Price

Category E – Moderated Scores & Summary

	Year 1	Year 2	Year 3	WOLC 10 Years	Cartridge Only 150,000	Allocated Rating
s9(2)(b)(ii)						E
						C
						D

37. Whole of life costs include the costs of the package required to conduct oral fluid testing, which includes the cartridges, electronic reader and calibration (s9(2)(b)(ii)), and training.
38. (s9(2)(b)(ii)) the highest rating E as the whole of life costs reflect best value for money.
39. (s9(2)(b)(ii)) the lowest rate due to being overpriced considering what you get for you money, as it's similar to the (s9(2)(b)(ii)).
40. In summary, all devices met Police minimum requirements, however, there were large price disparities between the three. A single preferred device could not be chosen due to consensus that referee check and scientific evidence should be collected before reaching a decision. The order of preferred devices starts with (s9(2)(b)(ii))
(s9(2)(b)(ii))
(s9(2)(b)(ii))
(s9(2)(b)(ii))
(s9(2)(b)(ii))
(s9(2)(b)(ii))
(s9(2)(b)(ii))

Ranking after price – (s9(2)(b)(ii))

STAGE 7: REFEREE CHECKS

42. References were requested, via email, from all referees provided by the three responders.
43. Three out of eight references were provided in total by the deadline, one per supplier (see Appendix E).
44. In sum, the reference feedback was as follows:
 - i. (s9(2)(b)(ii))
(s9(2)(b)(ii))
(s9(2)(b)(ii)).

- ii. s9(2)(b)(ii) [REDACTED]
[REDACTED]
[REDACTED] l.
- iii. s9(2)(b)(ii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- 45. An independent review of each device is being carried out by 'Independent Forensic Consulting (Experts in Drug and Alcohol-Related Matters)'. Reports produced will then be reviewed by legal to ensure the validity of the outcomes.
- 46. Due to the confirmed timeframe required to complete this (approx. 1-2 months), the TET have ranked their preferred options for the Equipment Procurement Governance Board to review and endorse whilst awaiting outcomes of the independent and legal review.
- 47. Outcomes of the review will then be used to support the recommended preferred option.

STAGE 8: FINAL RANKING & DUE DILIGENCE

- 48. The TET met on 20 June 2022, to review references and previous outcomes with the aim to choose a preferred device.
- 49. Based on the limited references, previous outcomes, and further research, the TET were unable to choose a single preferred device. This is because of the conflicting pros and cons of each that prevents one device clearly standing out over the others. However, they were able to come to an agreement on the final ranking to put forward to the Equipment Procurement Governance Board.
- 50. s9(2)(a), s9(2)(g)(i) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- 51. The recommendations are made subject to the outcomes of the independent expert reviews being completed. That report will provide an expert product and legal review of the evidentiary capability of the devices, as well as compliance with the AS/NZ standards and manufacturer claims (see para 56 onwards).
- 52. It should also be noted that the final decision on what drugs the device will test for at the roadside are to be decided at the Programme level. The decided drugs could be a subset of the current drugs the devices are testing for.
- 53. The table below confirms the final agreed ranking with the main reasoning.

Rank	Device	Reason
1	s9(2)(b)(ii)	[REDACTED]












s9(2)(b)(ii)

2

3

s9(2)(b)(ii)

Tender Evaluation Team Endorsement

TET Member	Endorsement	Date	Endorsement	Date
Pete Jones (Chair)	 RE_OFT Tender Evaluation Report (Dr.	23.06.22		
Dan Mattison (Chair)	n/a	n/a	 RE_ Tender Evaluation Report (T	31/10/22
Blair Dalton	 Re_ OFT Tender Evaluation Report (Dr.	23.06.22	 Approve_ Tender Evaluation Report -	27.10.22
Simon Mooney	 RE_ OFT Tender Evaluation Report (Dr.	23.06.22	 Approve_ Tender Evaluation Report -	27.10.22
Harrison McLennan	 RE_ OFT Tender Evaluation Report (Dr.	23.06.22	 Approve_ Tender Evaluation Report -	
Tracy Heron	 RE_ OFT Tender Evaluation Report (Dr.	23.06.22	 Approve_ Tender Evaluation Report -	28.10.22
Mike McRandle	n/a - Left Police	n/a	n/a	n/a
Colin McGilvery	n/a - Wasn't present at the last meeting s9(2) (a)	n/a	 RE_ Tender Evaluation Report -	28.10.22

DUE DILIGENCE: INDEPENDENT REVIEW OUTCOMES

54. The three shortlisted devices were laboratory tested by an external provider (Racing Analytical Services Ltd), with results reviewed by an independent scientific expert s9(2)(b)(ii) [REDACTED]
[REDACTED]
[REDACTED]
55. The scope of the independent report covers;
- a. The expert was requested to provide a report that covers;
 - i. Alignment to the NZ Standards in respect to the term 'recent', how this relates to the specific oral fluid device, if it's possible to determine this.
 - ii. Are there any issues with the specific devices testing in the identification of the specified drugs
 - iii. Comparison and evaluation of the stated specificity and sensitivity to real world performance. Paying specific attention to the likelihood of false negatives and worse, false positives.
 - b. In addition, the following was requested from the expert:
 - i. Having undertaken an independent laboratory evaluation of the device, with the provision of certificates of compliance where appropriate, please provide the results of the evaluation and your expert opinion on how these correlates to meeting the required criteria as specified in Appendix C of the AS/NZ 4760:2019 standard, noting this covers specificity, sensitivity and dilution.
 - ii. Provide a qualified expert opinion on how the results and device would meet the meet the evidential test under the New Zealand Solicitor General's Prosecution Guidelines.
56. All of the six drugs listed within the RFP were tested for in the laboratory test, for families, the key drug identified by the manufacture was tested.
57. The report concluded that all three shortlisted devices did not meet the verification criteria as set out in the AS/NZ Standards 4760:2019, s9(2)(g)(i) [REDACTED]
[REDACTED]
58. The report was also reviewed by the Manager of Research and Evidence at the National Road Policing Centre who verified the outcomes indicate the devices are too sensitive, therefore, don't meet the legislative requirements.
59. Consequently, the TET and the Probity Auditor regrouped to reassess the evaluation outcomes of the other four devices that didn't get initially shortlisted, with the aim of seeing which had the potential to be reconsidered, therefore independently tested.
60. The following five devices were chosen to be independently reviewed on the following basis:

Device	Cat A	Cat C	Cat D	Reason
s9(2)(b)(ii)	B	D	N/A	s9(2)(b)(ii)
	C	D	B	
	D	D	B	
	C	D	N/A	
	C	B	N/A	

61. These devices were NOT selected to be independently reviewed for the reasons:

Device	Cat A	Cat C	Cat D	Reason
--------	-------	-------	-------	--------

s9(2)(b)(ii)	A	A	N/A	s9(2)(b)(ii)
	A	A	N/A	

62. The lab testing and review for five devices were carried out in the same manner, by the same expertise, as the initial three short-listed devices.

63. The report concluded that:

1. s9(2)(b)(ii)
2. [REDACTED]
3. All other devices do not conform to the AS/NZ Standards

64. s9(2)(b)(ii)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

67. The moderated scores as an outcome of the testing of the devices were:

Category D – Moderated Scores Summary

Device	Cat D	Reason
s9(2)(b)(ii)	D	s9(2)(b)(ii)
	C	

Category E – Moderated Scores & Summary

Column1	Year 1	Year 2	Year 3	WOLC	Allocated Rating
s9(2)(b)(ii)					D
					D

68. Whole of life costs include the costs of the package required to conduct oral fluid testing, which includes the cartridges, electronic reader and calibration where required but excluded training and any accreditation which it expected to be delivered internally.

Ranking after price – s9(2)(b)(ii)

CONCLUSION

69. Based on final outcomes of the independent review and field testing, it is recommended that s9(2)(b)(ii) [REDACTED]
70. s9(2)(b)(ii) [REDACTED] doesn't require the officer to have to make a judgement call and the outcome is easy to establish if required to be defended.
71. To be noted though both devices passed the verification criteria as defined in the standard, the following device results found during the testing were recorded;
1. s9(2)(b)(ii) [REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]

PROBITY AUDIT OUTCOMES

72. An external Probity Auditor from Gemtech Solutions was involved throughout the evaluation process, including the due diligence review meetings.
73. Two probity reports were provided: one for the shortlisting, trial, and final ranking process, then one for the TET re-group and meeting with the external scientific expert.
74. The first report concluded that, '*...all parties were treated fairly, with no supplier disadvantaged or treated differently during the tender process. The Tender Evaluation Report (TER) reflects the evaluation process and the final ranking of products...*' (see Appendix F for the full report).
75. The following risk was identified and mitigated during this first audit:

Main Risks	Risk	Impact	Mitigations Strategies
IF Police are challenged for the cut-off level measurement error identified in the RFP (ul instead of ng/ml), THEN it could negatively impact the procurement process and result in a device not being procured within the required timeframe.	Low	Slightly delay in the procurement of a device by having to provide evidence.	<ul style="list-style-type: none"> All RFP responses have been checked and have responded with the correct ng/ml measurements. The probity auditor and procurement have been informed. Procurement have been advised to share all answers to questions with all interested parties in future.

76. The following recommendations were provided and acknowledged:

#	Recommendation	Priority	Acknowledgement/Action
1	Ensure all COI declarations are completed, including signoffs, and the COI Register is finalised.	Medium	All COIs have been completed and sent to procurement.
2	Define the tender pack to be retained for audit purposes, check for completeness and address any gaps that may exist.	Medium	All key artefacts are already saved in Impaired Driving (ID) Programme folder.
3	Document any internal assurance evidence (emails, memo's etc) that may exist, including those of value in the final tender records to be retained.	Low	No internal assurance evidence exists, as only verbal advice was provided during meetings at the start of this tender process. As a lesson learned, evidence will be documented in future.
4	Future procurement activities should consider Government Broader Outcomes / secondary benefits. A record of such considerations should be retained as part of the investment and tender process.	Medium	This has been shared with procurement and relevant key stakeholders (NRPC Directly, ID Programme Manager, Portfolio & Programmes Manager).
5	Future procurement plans should include references to NZ Police policy, standards, and procedures to leverage detail held elsewhere and demonstrate organisational alignment.	Medium	This has been shared with procurement and relevant key stakeholders (NRPC Directly, ID Programme Manager, Portfolio & Programmes Manager).
6	Consider requiring Project Managers undertaking tenders to use a Risk Register to manage risks during the procurement process.	Low	Risks are recorded and managed in Sentient as a single source of truth.

RECOMMENDATIONS

77. The recommendations are as follows:
- a. Once outcomes on considerations of accuracy and qualifying drug have been completed, s9(2)(b)(ii) be formally notified they are joint preferred vendor status for the provision of the supplies;
 - b. All unsuccessful tenderers be offered formal debriefings prior to commencing contract negotiations with the format for the debriefings to be in accordance with National Procurement Group procedures;
 - c. NZ Police's next step is to proceed to negotiations with both organisations subject to commitment to proceed based on current legislation.

Approval: Tender Evaluation Report [TN/22/12 ORAL FLUID TESTING EQUIPMENT]			
I declare that I have reviewed the Tender Evaluation Report including its recommendations. I am satisfied that the procurement process has been followed in accordance with New Zealand Government (Crown) Policies and Guidelines and that the recommendation will provide best value for money. The Tender Evaluation Report is approved subject to the amendments and caveats stated below (if any).			
<i>John (Dan) Mattison</i>	<i>Manager, Strategy & Relationships, National Road Policing Centre</i>	<i>CHAIR OF EVALUATION TEAM</i>	<i>31/10/22</i>
<i>Marty Howe</i>	<i>Acting Manager Procurement and Contracting</i>		<i>01/11/22</i>

Appendix A: Justification of scoring for Stage 1 – Evaluation of Non-Price criteria



OFT Tender
Evaluation Summary

Appendix B: Trial Plan



OFT Equipment -
Trial Plan v0.6.docx

Appendix C: Justification of scoring for Stage 2 – Trials



OFT Tender
Evaluation Summary

Appendix D: Additional questions following trial



OFT Shortlisted
Q&As.docx

Appendix E: References

s9(2)(b)(ii)

Appendix F: Probity Audit Reports



OFT Probity Auditor
Report July 2022 v1.0.



OFT Probity Auditor
Report October 2022.

Appendix G: Independent Expert Report (Draft)



IFC Expert
Report_220227_DRA