



**Te Puni Kōkiri**  
REALISING MĀORI POTENTIAL



**Whānau Ora**

# **REQUEST FOR PROPOSALS (RFP):**

## **Whānau Ora Commissioning Agencies**

### **for the North Island and South Island**

**23 Here-turi-kōkā / August 2013**

<b>1. QUICK REFERENCE INFORMATION.....</b>	<b>2</b>
<b>2. OVERVIEW .....</b>	<b>3</b>
<b>3. CONTEXT AND OUTCOMES .....</b>	<b>7</b>
<b>4. COMMISSIONING SCOPE .....</b>	<b>9</b>
<b>5. VALUE-FOR-MONEY, PRICE, FUNDING ARRANGEMENTS AND PAYMENT MECHANISM .....</b>	<b>14</b>
<b>6. COMMERCIAL AND CONTRACTUAL ARRANGEMENTS .....</b>	<b>19</b>
<b>7. RFP PROCESS.....</b>	<b>21</b>
<b>8. EVALUATION .....</b>	<b>25</b>
<b>9. RFP TERMS AND CONDITIONS.....</b>	<b>31</b>
<b>APPENDIX 1: WHĀNAU ORA RESULTS COMMISSIONING FRAMEWORK.....</b>	<b>36</b>
<b>APPENDIX 2: RELATIONSHIP PRINCIPLES.....</b>	<b>38</b>

# 1. QUICK REFERENCE INFORMATION

---

## 1.1. Contact details for this RFP

CONTACT	Commissioning – Whānau Ora
PHYSICAL	Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011
POSTAL	PO Box 3943, Wellington 6140, Aotearoa/New Zealand
EMAIL	whanauoracommissioning@tpk.govt.nz
WEB	www.tpk.govt.nz/mi/in-focus/whanau-ora/

## 1.2. Your response to this RFP

You must respond to this RFP using the following forms – RFP Response Template (Document 1), 90-Day Commissioning Plan Template (Document 2), Activity and KPI Plan Template (Document 3), KPIs for Operating Activities Template (Document 4) and Pricing Response Template (Document 5).

Ten (10) hard copies of your proposal (Documents 1-4) and one (1) soft copy (on CD) are required.

A separately packaged and clearly labelled hard copy and soft copy of the price section of your proposal is required in the following form – Pricing Response Template (Document 5).

Proposals – both non-price and price sections – should be securely packaged and clearly labelled:

### **Whānau Ora Commissioning Agency Proposal**

Proposals should be addressed/delivered to:

### **Whānau Ora Commissioning Agency RFP**

PHYSICAL	Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011
POSTAL	PO Box 3943, Wellington 6140, Aotearoa/New Zealand

## 1.3. This RFP is accompanied by:

- Document 1: RFP Response Template
- Document 2: 90-Day Commissioning Plan Template
- Document 3: Activity and KPI Plan Template
- Document 4: KPIs for Operating Activities Template
- Document 5: Pricing Response Template

## 1.4. Key dates for this RFP

RFP RELEASE DATE	Friday 23 August 2013
RFP CLOSING DATE	Friday 20 September 2013 at 3.00 pm
RFP ANNOUNCEMENT	December 2013

## 1.5. Acknowledgement

This RFP has been developed with input and procurement advice from the Ministry of Business, Innovation and Employment.

## 2. OVERVIEW

---

### 2.1. What do we need?

Te Puni Kōkiri is seeking – through this RFP process – to contract the delivery of commissioning agency functions for Whānau Ora from three (3) non-government organisations (NGOs) with knowledge, expertise and networks to build capability:

- for whānau and families with a North Island focus
- for whānau and families with a South Island focus
- for Pacific families.

This RFP relates to the establishment of a NGO ‘commissioning-for-results’ model which will support capability building for whānau and families in the North Island and in the South Island.

Commissioning in the context of Whānau Ora is the process of identifying the aspirations of whānau and families and investing in a portfolio of new or existing programmes or initiatives expected to best deliver progress towards Whānau Ora outcomes as well as the monitoring, evaluation and review of these investments.

The new commissioning agencies will be contracted to develop and support initiatives that will deliver measurable results for whānau and families which align with the Government’s Whānau Ora outcome goals<sup>1</sup> that whānau and families are:

- self-managing and empowered
- living healthy lifestyles
- participating fully in society
- confidently participating in te ao Māori (the Māori world)
- economically secure and successfully involved in wealth creation
- cohesive, resilient and nurturing.

Assisting whānau and families to achieve their goals and aspirations requires dual pathways: effective service provision and an up-lift in whānau and family capability.

While effective service delivery will continue to remain a core element of Whānau Ora over the next two (2) years, the Government is broadening the scope of Whānau Ora to focus on creating opportunities for whānau and family capability building.

The commissioning agencies will work with whānau and families to increase capability in a range of areas such as income generation, employability, technological literacy, healthy lifestyles and health literacy, engagement in lifelong learning, communication, effective parenting, and cultural (language, customs and literacy) engagement.

---

<sup>1</sup> A set of Whānau Ora outcome goals has also been developed for Pacific families.

To achieve this desired up-lift in capability, the agencies will commission innovative local-level programmes that best meet the needs of whānau and families from a range of community entities such as existing Whānau Ora provider collectives, iwi, marae, education providers, church groups, land trusts, community organisations or sports groups.

Te Puni Kōkiri will be the Administering Department for the commissioning agencies. In this role, Te Puni Kōkiri will enter into contracts with the successful respondents and manage the relationship with each commissioning agency.

## **2.2. What is important to us?**

Te Puni Kōkiri wishes to contract with respondents who:

- can demonstrate an in-depth understanding of the Whānau Ora approach including the ways in which Māori values, beliefs, obligations and responsibilities are available to guide whānau in their everyday lives
- can describe a range of strategies for successful engagement with whānau and families to support their aspirations to become self-managing and to take responsibility for their economic, cultural and social development
- have the organisational capability and stability to be a medium to long-term partner of Te Puni Kōkiri in the implementation of a commissioning model that builds on the current approach in order to take Whānau Ora to new levels
- have existing networks and connections relevant to efficiently and effectively implement a commissioning model
- have a compelling vision and credible strategy for implementing the commissioning model and providing commissioning services
- can demonstrate a sound understanding of the transparency and accountability necessary to support the commissioning approach and have clear protocols and procedures to manage actual or perceived conflicts of interest in regard to operating as commissioning agencies
- can achieve 'early wins' and quick commissioning progress
- can demonstrate the balance between service quality and successfully working towards achieving the Whānau Ora outcomes (on the one hand) and the estimated cost of delivering this (on the other).

## **2.3. How will we evaluate proposals?**

Te Puni Kōkiri is looking for a clear vision and well-defined approach to commissioning for Whānau Ora. In support of the approach and vision, Te Puni Kōkiri is seeking proposals which demonstrate the respondent's capability and capacity to commission. It is important to note the distinction between commissioning and delivering services directly to whānau and families.

Te Puni Kōkiri is interested in understanding the innovation and value that respondents can bring to building whānau and family capability. Te Puni Kōkiri is interested in responses from existing organisations and consortia as well as new entities.

Respondents are strongly encouraged to be explicit about their experience and expertise in their proposals – for example, consortia should specify the experience of the relevant members – and not to leave any information for the Evaluation Panel to infer.

Evaluation of proposals in response to this RFP for each commissioning agency will be undertaken simultaneously.

Each commissioning agency will be awarded separately and – depending on the number of respondents and quality of proposals received – the process to be followed to appoint an organisation as a commissioning agency may differ.

#### **2.4. Why should you bid?**

This RFP provides potential respondents with the opportunity to commission for Whānau Ora for a term of three (3) years with the option for Te Puni Kōkiri alone to determine whether to renew for a further two (2) years. Te Puni Kōkiri seeks to provide benefits to the successful respondents through an open and collaborative relationship. Potential benefits to the successful respondents as a result of this RFP include the ability to:

- match the aspirations of whānau and families with new and current initiatives that will assist them in building their capability
- commission innovative local-level programmes that best meet the aspirations of whānau and families from a range of community entities such as existing Whānau Ora provider collectives, iwi, marae, education providers, church groups, land trusts, community organisations or sports groups
- build on the existing understanding of how to deliver measurable results for whānau and families
- work with and build strong relationships with relevant stakeholders to develop innovative solutions for whānau and family capability development beyond the current service focus settings
- attract additional funding for commissioning activities through the results driven payment mechanism
- build a case for extending the reach of Whānau Ora by attracting new streams of funding in the future; for example, through iwi, trusts, philanthropic groups and other government agencies.

#### **2.5. About this RFP**

This RFP is issued by Te Puni Kōkiri. The RFP and information related to this RFP is available on the GETS website: [www.gets.govt.nz](http://www.gets.govt.nz)

#### **2.6. What are the timeframes?**

The timeframes for this RFP are set out in Table 1 below. These are indicative only and may be subject to change at the sole discretion of Te Puni Kōkiri. Te Puni Kōkiri will notify respondents by notice on GETS of any changes to these dates that will impact them.

**Table 1: Timeframes**

ACTIVITY	DATE	COMMENTS
RFP issued	Friday 23 August 2013	
Final date for questions / end of clarification period	Friday 13 September 2013	All questions are to be submitted via email to: whanauoracommissioning@tpk.govt.nz
Written answers posted	Monday 16 September 2013	All answers will be posted on GETS.
RFP closing date and time	Friday 20 September 2013 at 3:00 pm	<p>Ten (10) hard copies of the proposal and one (1) soft copy are required.</p> <p>A separately packaged and clearly labelled hard copy and soft copy of the price section of your proposal must be completed on the Pricing Response Template (Document 5).</p>
Presentations to the RFP Evaluation Panel if required	October 2013	These will be held in Wellington. Respondents will need to be available for this session if requested.
Respondents notified of outcome	December 2013	

## 3. CONTEXT AND OUTCOMES

---

Whānau Ora is an inclusive approach to providing services and opportunities to all New Zealand families in need. It requires multiple government agencies to work together and in ways that will strengthen the whānau and family as a whole.

### 3.1. What is the context?

It is increasingly recognised that whānau and families are both the central support structure for their individual members and the key influencers in shaping their members' experiences and life choices.

This presents a challenge and an opportunity for the Government to support Māori and other vulnerable groups in ways which are inclusive of whānau and families as well as the family context and – importantly – invites and enables ownership and leadership by whānau and families.

The Whānau Ora approach has been established in response to that aspiration.

Whānau Ora recognises that, despite the challenges and circumstances they face, all whānau and families have within them the collective potential to realise social, cultural and economic gains for their members.

To complement this strengths-based and holistic approach, Whānau Ora also focuses on building greater cross-sector and service collaboration so that whānau and families have access to more whānau and family-centred support as they set and progress towards their goals and aspirations.

At a population level, most socio-economic indicators show that the outcomes enjoyed by Māori citizens and households have improved over time but that there has been deterioration relative to some outcomes enjoyed by non-Māori.

These population level indicators are of serious concern to the Government, to Māori and to the wider community.

Without effective intervention and investment, Māori demand for equity and fairness will place considerable stress on public services – particularly given the Māori population age profile and growth projections – and constrain Māori participation and productivity within the economy.

### 3.2. What is the strategy?




Since its inception in 2010, the Government's investment in Whānau Ora has focused on achieving outcomes for whānau and families through service and organisational transformation – of provider collectives – as well as whānau integration, innovation and engagement.

The initial focus on building capability to provide whānau and family-centred services has led to significant gains for whānau and families. Further information on progress to date is available on the website of Te Puni Kōkiri: [www.tpk.govt.nz/en/in-focus/whanau-ora/](http://www.tpk.govt.nz/en/in-focus/whanau-ora/)

On 16 July 2013 – as part of the on-going development of Whānau Ora – the Minister for Whānau Ora, Hon Tariana Turia, announced a model for taking Whānau Ora to the next stage of development. A key component of this model is the establishment of three NGOs as commissioning agencies with a North Island, South Island and Pacific focus.

The following table provides an overview of the change from the current focus to the next phase of Whānau Ora.

**TABLE 2: Changes from the current to future focus of Whānau Ora**

	CURRENT		FUTURE
Investment focus	Main focus on building service approaches which engage whānau and families.		Main focus on building whānau and family capability to be self-managing. Available to all New Zealanders and with expertise and networks to focus on whānau and families and to focus on Pacific families.
Investment manager	Te Puni Kōkiri directly on behalf of the Minister.		NGO commissioning agencies contracted to Te Puni Kōkiri.
Funded groups	Main focus on investing in 160-plus primary health and social service providers across 34 provider collectives.		Broadened focus to bring other local-level organisations – for example, existing Whānau Ora provider collectives, iwi, marae, education providers, church groups, land trusts, community organisations or sports groups – into the investment frame.

This direct investment in building whānau and family capability requires a flexible delivery mechanism which is located closer to whānau, families and communities. To support the future scope and direction of Whānau Ora, the Government has agreed to a ‘commissioning-for-results’ approach as the best mechanism to deliver improved outcomes and results for whānau and families.

### 3.3. What are the outcomes and results for whānau and families?

The commissioning agencies will be contracted to develop and support initiatives that will deliver measurable results for whānau and families which align with the Government’s high-level Whānau Ora outcomes that whānau and families are self-managing and empowered; living healthy lifestyles; participating fully in society; confidently participating in te ao Māori (the Māori world); economically secure and successfully involved in wealth creation; and cohesive, resilient and nurturing.

A Whānau Ora Results Commissioning Framework has been developed to provide context for the desired outcomes of Whānau Ora and to support the new commissioning agencies as they consider achieving short and medium-term results that are consistent with best outcomes for whānau and families. The framework is included in Appendix 1.

As part of the response, respondents are required to develop a commissioning approach and identify commissioning outcomes relevant to the North Island or South Island commissioning agencies. These should be supported by clear measureable key performance indicators (KPIs) that the commissioning agency can deliver on.

The KPIs will be agreed between Te Puni Kōkiri and the commissioning agencies. The KPIs will provide Te Puni Kōkiri with the basis for assessing whether the commissioning agencies are delivering the agreed outcomes. **How** these results will be achieved is to be determined by each commissioning agency.

Further detail on KPIs is contained in Section 5 of this RFP.



# 4. COMMISSIONING SCOPE

## 4.1. What is the scope of commissioning?

Commissioning in the context of Whānau Ora is the process of identifying the aspirations of whānau and families and investing in a portfolio of new or existing programmes or initiatives expected to best deliver progress towards Whānau Ora outcomes as well as the monitoring, evaluation and review of these investments.

The core activities of commissioning are outlined below. Respondents are required to outline their approach to delivering these activities. Where respondents are also service providers, they need to demonstrate a separation between the provision of services and the commissioning of these services.

Further guidance on the level of detail expected by respondents is included under each question in the RFP Response Template (Document 1).

## 4.2. What are the core activities of commissioning?

The commissioning cycle describes the core activities that a commissioning agency will be expected to undertake including the relationships that will be expected to underpin each stage of the cycle.

**FIGURE 1: Whānau Ora commissioning cycle**

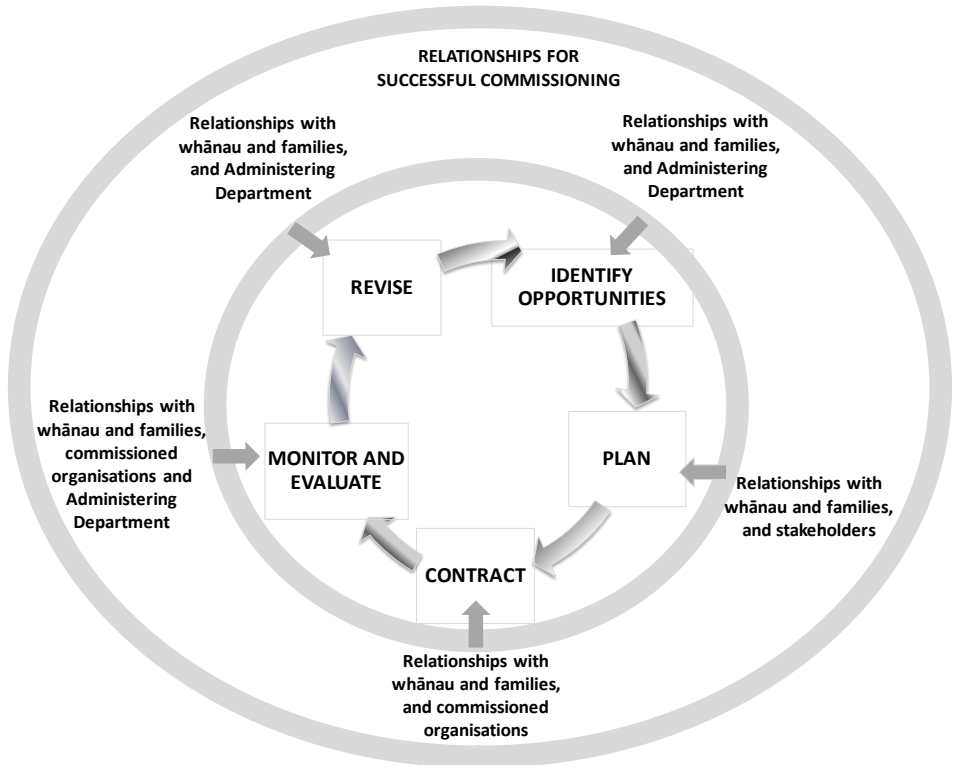


Table 3 provides a more detailed overview of the range of activities that the commissioning agencies will be expected to perform to successfully deliver commissioning for Whānau Ora. These activities and outputs are examples only; however, they do provide an indication of what would be expected of the commissioning agencies at each step in the cycle.

**TABLE 3: Activities in the commissioning process**

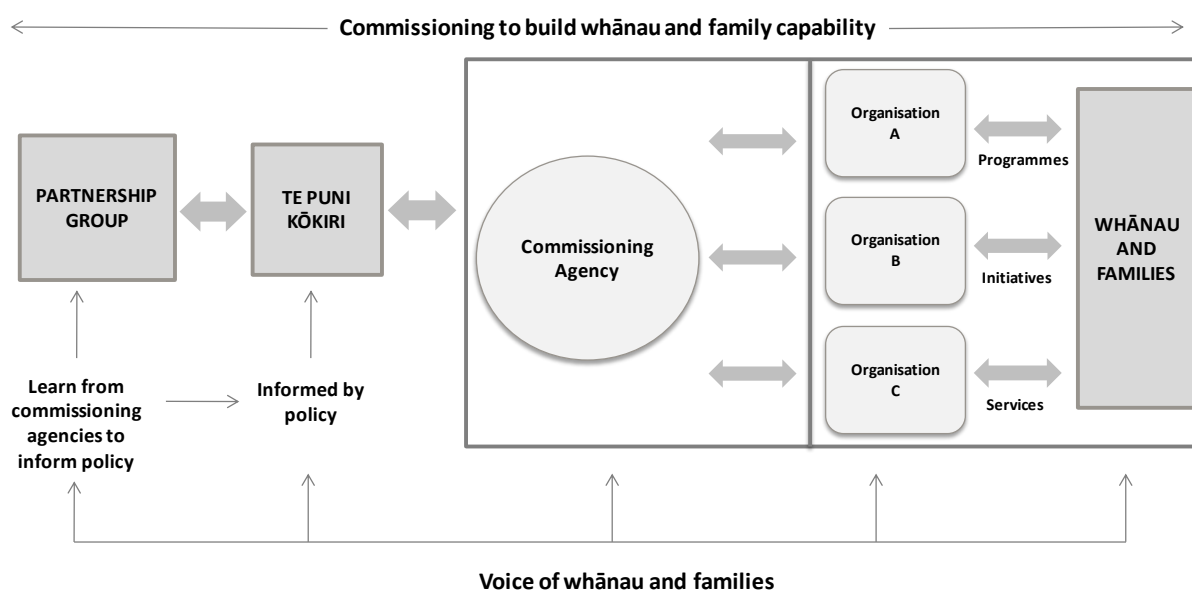
STEP	EXAMPLE ACTIVITY	EXAMPLE OUTPUTS
Identify opportunities	In this phase, the commissioning agencies will undertake an assessment to determine what is required to achieve the Whānau Ora outcomes.	Opportunities assessment.
Plan	<p><b>Identifying intervention logic and priorities</b></p> <p>Using the results of the opportunities assessment, the commissioning agencies will develop an investment plan which sets out the intervention logic and priority activities for the period that will deliver on the Government’s Whānau Ora outcomes and on the aspirations of whānau and families.</p> <p><b>Identifying or designing services or initiatives</b></p> <p>In this phase, commissioning agencies will likely need to evaluate existing services and interventions to determine where there may be opportunities for improvement in service design, quality or efficiency.</p> <p>The commissioning agencies may identify existing programmes or initiatives which meet their investment objectives or they may design or co-design initiatives to meet the investment objectives.</p> <p><b>Planning for procurement</b></p> <p>How the activities and initiatives will be funded will also need to be agreed during this phase.</p>	<p>Agreed Whānau Ora investment plan.</p> <p>Procurement/ funding plan.</p> <p>Stakeholder engagement/ relationship plan.</p>
Commission	The commissioning process ensures that all the agreements – contracts, grants or other funding arrangements – are in place and clearly set out expectations of quality, outcomes, monitoring requirements and funding levels.	Contract, grants and other flexible funding distribution with various organisations for commissioned activities.
Monitor and evaluate	<p>In order to understand whether the initiatives that have been commissioned are delivering against the expected results, the commissioning agencies will need to:</p> <ul style="list-style-type: none"> <li>• monitor – and manage – performance of commissioned activities</li> <li>• receive and evaluate reports against performance measures for each contract</li> <li>• work with the Administering Department to evaluate the success of the range of initiatives against the results agreed</li> <li>• work with the Administering Department to communicate the results.</li> </ul>	<p>Monitoring and evaluation framework.</p> <p>Contract management systems.</p> <p>Evaluation report against investment plan.</p>

Revise	Commissioning agencies will feed the results of the previous year into the planning assessment and planning cycle for the following year.	
--------	---	--

### 4.3. What relationships will support commissioning?

Strong relationships across the range of commissioning activities will be critical to the success of the model. The following diagram provides an overview of the commissioning process and the roles of the key stakeholders in the process.

**Figure 2: Whānau Ora commissioning diagram**



Respondents are asked to consider and provide detail on how they will ensure these relationships are developed and invested in throughout the commissioning cycle. In particular, Te Puni Kōkiri is interested in how the commissioning agencies will work with whānau and families to integrate their perspectives into the commissioning process; how they will work with community groups; how they will work with iwi who can contribute to the sought after outcomes; and how they will work with relevant government agencies and local authorities.

To achieve the desired results for whānau and families, Te Puni Kōkiri and the commissioning agencies will need to work closely together.

Te Puni Kōkiri expects that the commissioning agencies will be intimately involved in the refinement and implementation of the commissioning model with a view to ensuring alignment between the Whānau Ora Results Commissioning Framework and investment plan as well as driving operational effectiveness and efficiencies.

Principles that will underpin the relationship between Te Puni Kōkiri and the commissioning agencies are set out in Relationship Principles (Appendix 2).

A more detailed description of the roles and responsibilities of the various stakeholders is set out in Table 4.

**TABLE 4: Roles and responsibilities in the commissioning cycle**

ROLE	DESCRIPTION	REPORTING
Whānau and families	Access opportunities and activities through commissioned entities – Whānau Ora provider collectives, iwi, marae, church groups, land trusts, community organisations or sports groups – to work towards achieving their aspirations.	Only if specifically asked and agreed to, whānau and families may report or respond to surveys to help establish the results achieved for whānau and families.
Commissioned organisations	Contracted by the commissioning agencies to deliver programmes or initiatives to whānau and families to support the achievement of whānau and family aspirations.	Report against contracts to commissioning agencies.
Commissioning agencies	Responsible to the Administering Department for the delivery of Whānau Ora outcomes. Responsible for developing an investment plan and implementing the commissioning model.	Develop the investment plan and report against the contracted outcomes.
Administering Department	Responsible for managing the contract between the Crown and the commissioning agencies. Also responsible for Whānau Ora policy development and monitoring, evaluation and Ministerial reporting. Works with commissioning agencies to develop performance indicators.	Ministerial briefings. Approves the investment plan. Receives reports from the commissioning agencies against KPIs.
Whānau Ora Partnership Group	A high-level forum to inform complementary effort across Ministerial portfolios; identifies opportunities between Crown and iwi to support the shared development aims and aspirations of iwi and their whānau and hapū membership. Expert advisors with community, whānau and family and Pacific family relationships as well as experience in Whānau Ora will be appointed to the Partnership Group by the Minister for Whānau Ora.	Receives briefings from Te Puni Kōkiri on progress against outcomes.

Te Puni Kōkiri expects that the commissioning agencies will make a commitment to support the successful delivery of the commissioning approach. In order to make such a commitment, Te Puni Kōkiri recognises that it will need to invest in the relationship with the commissioning agencies. As such, the contracts between Te Puni Kōkiri and the commissioning agencies will include obligations that embody the Relationship Principles set out in Appendix 2.

#### **4.4. What is the transition process to commissioning?**

The proposed establishment arrangements are intended to support the earliest practicable commencement of commissioning activity by the commissioning agencies.

To support the establishment process, a joint-establishment team will be formed with membership from Te Puni Kōkiri, the commissioning agencies and relevant stakeholders. The establishment team will support the implementation of processes and structures to initiate the operation of the commissioning agencies; for example, establishing reporting and monitoring arrangements.

The membership and scope of this team will be agreed through the contract negotiation process.

### ***Establishment support***

It is assumed that the commissioning agencies will be operational and complete limited commissioning activities in the 2013/14 financial year and will commence full commissioning activities from the 2014/15 financial year.

Te Puni Kōkiri acknowledges that the proposed commissioning approach is a new model and that respondents will require support to establish commissioning agency functions.

Te Puni Kōkiri will provide operational support to commissioning agencies during their establishment phase which is expected to take 12 to 18 months. This support may include, for example, assistance with research and contract management activities as well as communications and stakeholder management. The nature of the support and the period that the support will be provided by Puni Kōkiri will be agreed through the contract negotiation process.

As part of their response to this RFP, respondents are required to provide a detailed breakdown of their establishment costs. Please refer to the Pricing Response Template (Document 5) available with this RFP on GETS.

Further information about the allocation of commissioning funds and the proposed payment mechanism for the commissioning agencies are discussed in the following sections.

### ***Transition of existing Whānau Ora activities***

Te Puni Kōkiri will maintain responsibility for existing Whānau Ora commitments under the Whānau Integration, Innovation and Engagement (WIIE) Fund and Service Delivery Capability which run to the end of the 2015/16 financial year. This includes managing relationships with service providers and other stakeholders.

Te Puni Kōkiri and the commissioning agencies will jointly manage communications about the transition of the Whānau Ora model.

## **5. VALUE-FOR-MONEY, PRICE, FUNDING ARRANGEMENTS AND PAYMENT MECHANISM**

---

The funding arrangements set out the structure of the funding that will be made available to the commissioning agencies including the establishment of incentives for commissioning agencies to deliver the results and outcomes required in a manner that delivers value-for-money.

### **5.1. Price and value-for-money**

In terms of value-for-money, Te Puni Kōkiri is seeking to balance service quality and successfully working toward achieving the Whānau Ora outcomes – on the one hand – and the estimated cost for delivering this, on the other. Accordingly, operating support costs will be considered in the context of the proposed commissioning approach, investment plan and KPIs.

In addition, Te Puni Kōkiri is developing an affordability indicator for the commissioning agencies which will be discussed during the solution refinement and contract negotiation processes. The affordability indicator is based on a public sector comparator that represents the total net present cost of the commissioning agencies if they were set up as separate entities by Te Puni Kōkiri.

### **5.2. Overview of funding arrangements and payment mechanism**

The objectives of the funding arrangements and payment mechanism are to:

- focus on drivers of performance that truly matter
- relate performance payments to those factors that are within the control of the commissioning agencies
- ensure KPIs are met
- create incentives for innovation and performance.

There are five (5) major components to the funding arrangements:

- one-off set-up and establishment costs
- operating support for commissioning agencies
- funding allocation for commissioning activities
- payment structure for funds for commissioning
- determination of the KPIs for the commissioning agencies.

### **5.3. One-off set-up and transition costs**

Establishment costs may be provided to the commissioning agencies to support the commencement of commissioning activities. These costs will be assessed on an entity-by-entity basis and respondents must provide clear rationale for why the funds are required and how they will assist the commissioning agency to commence commissioning activities.

The types of costs that are likely to be funded include – but are not restricted to – the following:

- finance, management and human resource system development and set-up for the commissioning agencies
- development and set-up of legal and operating processes for funding and contract management

- enhancement of reporting and monitoring capability and systems including records management
- operating costs for commissioning agency establishment including programme management office
- provision to support other agreed capability development needs.

#### **5.4. Operating support for commissioning agencies**

The on-going operating costs of the commissioning agencies will be agreed through the negotiation process. Over time, the operating costs are expected to decrease as commissioning agencies realise efficiencies in their business models.

Respondents are asked to estimate the operating support funding they require to operate as commissioning agencies. This should be provided in the Pricing Response Template (Document 5) which requires a detailed breakdown of the proposed operating support costs and the key assumptions that underpin these costs.

Examples of activities that may be covered by operating support funding include – but are not restricted to – the following:

- personnel costs
- commissioning and relationship management costs
- legal and finance support costs
- administrative and office expenses including IT costs
- travel costs
- rent and utilities costs.

To guide the development of operating support costs, Te Puni Kōkiri has estimated that these costs may be in the range of 10 to 20 per cent of the commissioning funds. This should only be treated as an approximate benchmark and respondents are encouraged to provide their best estimate of likely operating costs.

#### **5.5. Funding allocation for commissioning activities**

Commissioning funds are to be used to deliver outcomes for whānau and families.

The Government has agreed on the profile of the funds available for commissioning activities and Te Puni Kōkiri will determine the allocation of funds for commissioning between the three (3) commissioning agencies. The proposed funding allocation approaches for the establishment period and once full commissioning activities have commenced are discussed below.

##### ***Funding allocation for commissioning activities during establishment***

It is expected that the commissioning agencies will undertake limited initial commissioning activities in the second half of the 2013/14 financial year. To support this activity, up to \$1.0 to \$2.5m will be available for each commissioning agency to undertake commissioning activities. This funding is expected to cover initial opportunities assessment – including whānau and family engagement – and commissioned activities.

The actual quantum of funds for commissioning that will be allocated to the commissioning agencies will be agreed during the contract negotiation process and will depend on each agency's commissioning plan and their capacity to commencing commissioning.

### ***Funding allocation for commissioning activities***

From the 2014/15 financial year onwards, the quantum of funds available for commissioning will depend on the operating support costs provided to the commissioning agencies (as these costs reduce the funds available for commissioning). It is estimated that approximately \$20 to \$25m p.a. of total funding will be available for Whānau Ora commissioning which will be allocated between the three (3) commissioning agencies. To distribute these funds, an allocation model that takes into account the following factors will be used:

- **population** – to reflect the population within the commissioning agencies’ constituencies (i.e. North Island, South Island and Pacific)
- **outcomes** – to focus on outcomes for whānau and families, determined by whānau and families themselves
- **deprivation** – to factor in levels of deprivation within the commissioning agencies’ constituencies.

Based on the model outlined above, Te Puni Kōkiri will advise on the total funds allocated to the commissioning agencies before the start of each financial year. The amount allocated for the 2013/14 financial year will be agreed during the contract negotiation process.

As the commissioning agencies build experience and the delivery of outcomes become more measurable, the allocation approach will also take into account the performance of the commissioning agencies and their commissioning plans.

### **5.6. Payment structure for funds for commissioning**

From 2014/15 onwards, the proposed payment structure for the funds available for commissioning is as follows:

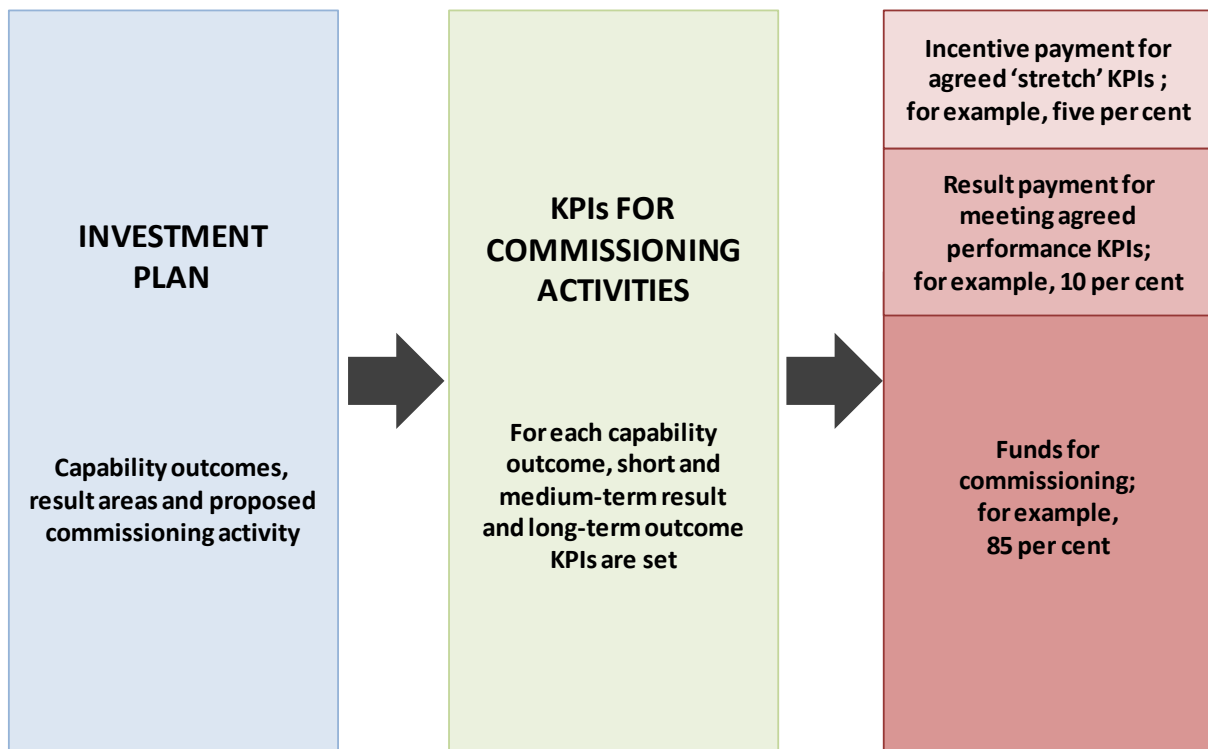
- a periodic payment of commissioning funds based on commissioning plans; these funds will be determined in conjunction with the commissioning plans provided by the respondent and are inclusive of the operating costs of the commissioning agencies
- an incentive payment for delivering results with two (2) components:
  - results payment for meeting agreed KPIs for business as usual activity and the delivery of commissioned activities. It is expected that this component will be applied to areas where intervention logic is established and the desired result improvement is quantifiable. The purpose of this component is to encourage the achievement of results.
  - areas of ‘stretch’ activity that you have identified or aspire to in terms of achieving outcomes for whānau and families. It is expected that this component will be linked to achieving agreed KPIs on capability outcomes and innovation in areas where intervention and results achievement may be challenging. The purpose of this component is to encourage the achievement of ‘stretch’ performance outcomes and innovative solutions. It may also result that this payment may be more than 100 per cent of the total funding available (i.e. a payment on top of the results payment and base commissioning funds payment). This will need to be negotiated with the commissioning agencies.

As part of the contract negotiation process, Te Puni Kōkiri will agree how any incentive payments received by the commissioning agencies may be applied.

This structure is summarised in Figure 3 below.



**Figure 3: Payment structure**



### **5.7. How will the KPIs for the commissioning agencies be determined?**

Te Puni Kōkiri wishes to contract with the commissioning agencies to deliver outcomes for whānau and families.

The Whānau Ora Results Commissioning Framework provided in Appendix 1 of this document outlines the six (6) overarching Whānau Ora outcomes and provides examples of long-term capability outcomes and medium and short-term results. Respondents should use this framework to guide the development of their commissioning activities, result areas and KPIs.

As part of the response to this RFP, respondents are asked to complete the Activity and KPI Plan Template in Document 3 for one or more of the Whānau Ora outcomes set out in the Whānau Ora Results Commissioning Framework. This template asks for example KPIs for each of the activities, results and capability outcomes that the respondent selects.

Te Puni Kōkiri expects that there will be two (2) streams of KPI reporting:

- activity and quality outputs – for example, the number of whānau and family plans completed
- impact and effectiveness outcomes – for example, the impact of the interventions, activities and programmes on the proposed commissioning outcomes (i.e. the change or result achieved as a consequence of the intervention of activity such as an X per cent increase in the use of te reo in the family home or daily activities).

The proposed KPIs should be structured across three (3) time horizons:

- short-term results – are expected to focus on the establishment of the commissioning model, the identification of whānau and family needs, and the proposed reach and scale of commissioning activities. The link between short-term results and the higher level outcome goals should be described.
- medium-term results – are expected to focus on the delivery and quality of commissioning activities (e.g. of a good standard and delivered by qualified people), the extent to which these

activities are effective (e.g. contribute positive to result areas) and contribute to the high-level outcome goals.

- long-term outcomes are expected to focus on the effectiveness of commissioning activities in contributing to the achievement of commissioning outcomes and the success of innovative approaches (e.g. approaches that result in broader or deeper reach, are more cost-effective or that contribute to outcomes that have been identified as difficult or where there is no established intervention logic).

Recognising the time it will take for medium-term result and long-term outcome KPIs to be measurable, performance monitoring will initially focus on short-term results. Respondents should outline the progression from reporting on short-term results to medium-term results and the relevance to long-term capability outcomes.

Respondents should also note how they expect the KPIs to be related to the payment mechanism where a portion of commissioning funding is conditional on achievement of agreed KPIs.

The commissioning agencies will be required to monitor their performance against the agreed KPIs and the monitoring of this performance will be audited by Te Puni Kōkiri. Figure 4 below shows the relationship between the Whānau Ora Results Commissioning Framework, the KPIs that will be agreed with Te Puni Kōkiri and the payment mechanism for commissioning activities.

**FIGURE 4: Relationship between outcomes, KPIs and payment mechanism**



## 6. COMMERCIAL AND CONTRACTUAL ARRANGEMENTS

---

### 6.1. What is the term of the contract?

The term of the contract for the commissioning agencies will be three (3) years with the option for Te Puni Kōkiri alone to determine whether to renew for a further two (2) years. This term has been set to optimise the level of innovation and efficiency of the operations of the commissioning agencies and to allow for the term to be extended if the commissioning approach works well and delivers the desired outcomes.

Before the contract term expires or is brought to an end, Te Puni Kōkiri and each commissioning agency will discuss the future for commissioning services and any necessary transitions arrangements if commissioning services will no longer be provided by that commissioning agency.

### 6.2. Relationship principles

Te Puni Kōkiri would like the contract to include several relationship principles that focus the attention of Te Puni Kōkiri and the commissioning agencies on how to best achieve the results described in the Whānau Ora Results Commissioning Framework (Appendix 1). The contract will reflect the following principles:

- decisions will be guided by how the parties can achieve the greatest success against the results described in the Whānau Ora Results Commissioning Framework
- responsibilities of the parties are clearly defined and reflect the principles outlined in the Relationship Principles (Appendix 2)
- key performance indicators are used to measure the performance of the commissioning agencies
- innovation – to the extent that it empowers greater success against the results described in the Whānau Ora Results Commissioning Framework or reduces the cost of providing commissioning services – is actively encouraged and rewarded
- all communications will be open and based on a relationship of honesty and trust
- other alliance contracting-type principles such as establishing a culture of no blame in the parties' dealings with each other and encouraging open, honest and efficient sharing of information and the resolution of issues or differences in opinion
- the effective resolution of performance issues including the need for appropriate remedial measures.

### 6.3. Contractual arrangements

Te Puni Kōkiri would like to appoint up to three (3) commissioning agencies for an initial term of three (3) years with the option for renewal for a period of two (2) years at the discretion of Te Puni Kōkiri.

Te Puni Kōkiri intends to use the new outcomes-focused contracting framework being developed as part of the Streamlined Contracting with NGOs project led by the Ministry of Business, Innovation and Employment. Further information on the contracting framework and the streamlined contracting project is available at <http://www.business.govt.nz/procurement/procurement-reform/streamlined-contracting-with-ngos>

In recognition of the importance of the relationship between Te Puni Kōkiri and the commissioning agencies, Te Puni Kōkiri wants to enter into a comprehensive contract management plan with each commissioning agency. This is to ensure that the parties share a mutual understanding of their respective roles and responsibilities and to ensure that they build and maintain a positive and collaborative working relationship.

#### **6.4. Impartiality – what are the requirements around separation of service provision and commissioning?**

Demonstrating transparency and impartiality will be particularly important where the respondent is currently a service provider or where the respondents' proposed consortium has members which are service providers.

In this context, there are two (2) key examples of how impartiality might be demonstrated:

- **Separation** – respondents are required to demonstrate in their proposal how they will implement adequate controls to ensure that service provision is sufficiently separated from commissioning activities.

Where potential conflicts of interest may arise, parties who are involved with service provision should be excluded from any commissioning activities. In these circumstances, parties need to advise on the steps that will be taken to ensure that the purchasing decision to buy services for whānau and families is impartially made and there is no bias toward service provision by the commissioning agency or its related entities.

Respondents will be asked in their proposals to demonstrate that impartiality, sufficient separation and associated conflict of interest management processes will be in place as appropriate.

- **Transparency** – to demonstrate transparency and impartiality, Te Puni Kōkiri will require the commissioning agencies to publish an annual report which includes:
  - names of service providers and/or groups that were commissioned
  - the relationship – if any – of the commissioning agency to contracted providers
  - number of entities commissioned and recipients of commissioning funding
  - spend by region.

## 7. RFP PROCESS

---

### 7.1. What are the timeframes?

The timeframes for this RFP are set out in the table below. These are indicative only and may be subject to change at the sole discretion of Te Puni Kōkiri. Te Puni Kōkiri will notify respondents by notice on GETS of any changes to these dates that will impact them.

TABLE 5: Timeframes

EVENT	DATE
RFP issue date – clarification period begins	23 August 2013
Clarification period ends	13 September 2013
Written answers posted	16 September 2013
Closing date	20 September 2013, 3.00 pm
Evaluation of proposals	From 25 September 2013
Presentations – if required	October 2013
Preliminary decisions/negotiations (if no solution refinement process)	October 2013
Solution refinement (if required)	October – November 2013
Further evaluation following solution refinement or initial negotiations	November 2013
Negotiations (commercial)	November – December 2013
Finalise award recommendation and sign-off	December 2013
Notification of successful respondents	December 2013
Debriefs to successful and unsuccessful respondents	December 2013

Note that actual timing with regard to finalising contracts and subsequent notification will be dependent on:

- whether Te Puni Kōkiri determines a solution refinement stage is required to decide who to appoint in any commissioning area
- the complexity of contract negotiations.

### 7.2. Clarification period

During the period from the date the RFP is issued to the end of the clarification period (13 September 2013), potential respondents may contact Te Puni Kōkiri by emailing questions or clarifications to [whanauoracommissioning@tpk.govt.nz](mailto:whanauoracommissioning@tpk.govt.nz).

Only questions and clarifications received by email will be considered. Te Puni Kōkiri will endeavour to respond to all clarification questions within two (2) to three (3) business days of receipt.

Te Puni Kōkiri does not intend to respond to requests for clarification or additional information received after the clarification period although it reserves the right to do so. Te Puni Kōkiri will not publish information regarding individual proposals or details concerning other respondents.

### **7.3. Submission of proposals**

All proposals must be received by the closing date of **3.00 pm on Friday 20 September 2013**.

Please provide:

- ten (10) hard copies of the non-price section of your proposal
- a separately packaged and clearly labelled copy of the price section of your proposal
- an electronic version (on CD) of your full proposal.

Proposals – both non-price and price sections – should be securely packaged and clearly labelled:

**Whānau Ora Commissioning Agency Proposal**

(Please indicate) **North Island / South Island / both**

Proposals should be addressed/delivered to:

**Whānau Ora Commissioning Agency RFP**

Te Puni Kōkiri House  
143 Lambton Quay  
Wellington 6011

or

PO Box 3943  
Wellington 6140

Te Puni Kōkiri intends to notify respondents that all sections of their proposal have been received within two (2) business days of the closing date. By submitting a proposal, each respondent warrants that all information provided by it to Te Puni Kōkiri in relation to its proposal is true, complete, accurate and not misleading in all material respects.

### **7.4. Late proposals**

Te Puni Kōkiri does not intend to accept any proposal for evaluation that is received after the closing date other than in exceptional circumstances. In particular, Te Puni Kōkiri will not accept a late proposal if it considers that:

- there is any real risk of collusion on the part of the respondent
- the respondent might have knowledge of the content of any other proposal(s)
- it would be unfair to any other respondent(s) to accept the late proposal.

### **7.5. Content and format of proposals**

Non-price sections of proposals should be prepared following the format and question order set out in the RFP Response Template (Document 1).

Price sections of proposals should be prepared and submitted using the Pricing Response Template (Document 5).

All proposals are to be submitted by respondents on the basis that they remain open for consideration by Te Puni Kōkiri for a minimum period of six (6) months after the closing date or such later date as may be mutually agreed.

Once it is submitted, a proposal is irrevocable and may not be withdrawn or modified except with written consent from Te Puni Kōkiri.

Any assumptions made in the preparation of a proposal must be clearly documented in that proposal. To allow for this, a specific question has been asked in the Pricing Response Template (Document 5).

## **7.6. Consortia proposals or a new entity to be a commissioning agency**

Te Puni Kōkiri is equally open to proposals from an existing organisation, a consortia or a new entity. Any option will need to be assessed against the strength of the key personnel – and entities for consortia – behind the proposal.

For the purpose of this proposal, a consortium is a group of existing legal entities which come together and form a legal or trading entity to undertake commissioning.

A new entity is defined as a new legal entity specifically created to undertake commissioning where the individuals put forward in the proposal are – or will be – employees or contractors of the new entity.

### ***Consortia proposals***

Respondents may submit proposals from consortia provided that each consortium member is expressly jointly and severally liable for performance of all services and obligations of any members of the consortium, or the proposal details the roles, responsibilities and accountability of each consortium member to the satisfaction of Te Puni Kōkiri.

If offering a consortia proposal, Te Puni Kōkiri expects that at a minimum:

- all the nominated consortia parties have discussed their respective roles and responsibilities from an infrastructure and delivery perspective including the division of payments received from Te Puni Kōkiri
- parties have agreed nominated representative(s) who can speak on behalf of all consortia members – including how internal governance will operate to ensure that consortia members can discuss and agree matters necessary to be able to effectively and efficiently provide commissioning services
- consortia members have identified how long it will take for the consortia to begin commissioning activity as opposed to establishing the necessary systems and processes for consortia members to effectively and efficiently provide commissioning services
- parties have identified what legal vehicle will be used to contract with Te Puni Kōkiri
- parties have signed a letter of intent/commitment to document these matters before submitting a proposal.

For a new entity, similar considerations will be relevant especially the internal governance arrangements and the establishment time required before the new entity can effectively and efficiently provide commissioning services.

## **7.7. Probity**

An independent probity auditor has been appointed by Te Puni Kōkiri to overview this RFP process and verify that the procedures set out in this RFP are complied with and that probity principles are adhered to.

The probity auditor is not a member of the Evaluation Panel. The probity auditor will:

- provide independent, high-level opinion and advice to Te Puni Kōkiri on the probity of this RFP process and management of probity and conflicts of interest
- audit this RFP process and report to Te Puni Kōkiri on compliance with public sector guidelines and industry best practice regarding probity on the completion of the evaluation process.



## 8. EVALUATION

---

Te Puni Kōkiri will establish an Evaluation Panel of suitably qualified experts to evaluate the proposals. Respondents must not communicate with any member of the Evaluation Panel or any third party in relation to this RFP or its subject matter.

Te Puni Kōkiri may provide any proposal(s) to independent advisors appointed by Te Puni Kōkiri for the purpose of carrying out an independent review of such proposal(s) or to any relevant professional advisors including legal and financial advisors. These advisors will be bound by confidentiality agreements and will be required to declare any conflicts of interest.

### 8.1. What is the evaluation process?

It is intended that the evaluation process will include the following phases:

- initial screening for compliance with the qualification criteria (set out in Section 1 of the RFP Response Template)
- detailed assessment of each proposal against the evaluation criteria
- requests for clarification and/or additional information from respondents (if required)
- presentations (if required)
- dialogue and further development of the preferred proposal(s) (if required)
- further evaluation of any revised proposal following the solution refinement stage
- negotiations (if required)
- awarding of service contracts to successful respondents (if any) in the agreed form
- execution of service contracts with successful respondents (if any) in the agreed form.

Te Puni Kōkiri is under no obligation to award any service contract to any respondent if it cannot reach agreement satisfactory to Te Puni Kōkiri with that respondent.

Te Puni Kōkiri may direct the Evaluation Panel or its nominees to undertake due diligence relating to any respondent(s) at any time during the evaluation process including reference checks.

This process will be managed by Te Puni Kōkiri.

### 8.2. What are the evaluation criteria?

The evaluation criteria fall into nine (9) broad categories. Within each category are individual evaluation questions. All of the questions are included in the RFP Response Template contained in Document 1.

Respondents are required to respond to each question as each question will count towards the evaluation.

**TABLE 6: Evaluation criteria overview**

<b>EVALUATION CRITERIA CATEGORY</b>	<b>DESCRIPTION</b>	<b>WEIGHTING %</b>	<b>RESPONSE TEMPLATE SECTION</b>
Qualification criteria	This section gathers general information about the existing or proposed business operations, key contacts and conflicts of interest.	Not scored but must be completed to an acceptable standard to progress to further evaluation.	Section 1
Understanding of Whānau Ora kaupapa including the ways in which Māori values, beliefs, obligations and responsibilities are available to guide whānau in their everyday lives	This section seeks information about the respondent's approach to performing commissioning in a way that demonstrates an in-depth understanding of Whānau Ora.	20 %	Section 2.1
Strategies for identifying aspirations of whānau and families	This section seeks information about the respondent's strategies for identifying aspirations of whānau and families to support their aspirations and self-management.	10 %	Section 2.2
Stakeholder relationships enabling the commissioning agencies to undertake commissioning to build whānau and family capability	This section seeks information about the respondent's stakeholder engagement approach and networks that the respondent can mobilise to undertake commissioning.	10 %	Section 2.3
Understanding of commissioning approach and demonstrated ability to undertake commissioning activities in the context of Whānau Ora	This section seeks information about the respondent's approach and experience in the five (5) steps of the commissioning cycle and asks respondents to set out possible KPIs linked to Whānau Ora outcomes. As part of this section, respondents are also asked to complete a 90-day commissioning plan.	35 %	Section 2.4 Document 2 Document 3

EVALUATION CRITERIA CATEGORY	DESCRIPTION	WEIGHTING %	RESPONSE TEMPLATE SECTION
Capacity to deliver Whānau Ora commissioning	<p>This section seeks information from the respondent about its capacity to deliver commissioning in addition to any BAU (business as usual) activities. To support this, respondents are asked to provide information about who will perform the commissioning activities and how the respondents will ensure a presence across the North Island or South Island (as appropriate).</p> <p>Respondents are asked for information about previous experience they have collaborating with other entities to deliver results for whānau and families.</p> <p>Respondents are also asked for information on the systems and processes they have in place to meet organisational KPIs.</p>	20 %	Section 2.5 Document 2 Document 4
Financial viability and structure	<p>This section seeks financial accounts and a forecast budget for the current financial year from respondents. It also asks for information about respondents' financial structure including details of any financial support provided by the parent company/entity or consortium members.</p>	5 %	Section 3.1
Payment mechanism and commercial approach	<p>This section seeks the respondent's views on the optimal payment structure to deliver base operating activities and 'stretch' activities' to drive an appropriate incentive payment structure.</p>	Not scored	Section 3.2

EVALUATION CRITERIA CATEGORY	DESCRIPTION	WEIGHTING %	RESPONSE TEMPLATE SECTION
Price and value-for-money	<p>This section seeks information on proposed establishment and operating costs of the commissioning agency. As part of this section, you are asked to evidence the cost assumptions used. Respondents are also asked to provide your views on what Te Puni Kōkiri should provide in terms of support during the establishment and set-up phase.</p> <p>As part of this section, respondents are also required to complete the Pricing Response Template.</p>	Evaluated as part of the solution refinement process and/or negotiation process	Section 3.3 Document 5

### 8.3. Solution refinement

Te Puni Kōkiri recognises that – following the initial evaluation – there may be a need to further clarify which respondent can offer commissioning services that:

- are fit-for-purpose
- offer good value-for-money
- can deliver commissioning activities in the third quarter of the 2013/14 financial year.

As such, Te Puni Kōkiri may enter into discussions on areas of a respondent’s proposal to ensure that the outcomes Te Puni Kōkiri is seeking from commissioning agencies are achievable and can be delivered.

In addition, there may be areas of the proposal that present risk to Te Puni Kōkiri and these could also be addressed as part of these discussions.

On this basis, Te Puni Kōkiri may use a solution refinement process with two (2) or more preferred respondents for any commissioning agency. The solution refinement process is likely to be run as a series of workshops. It provides the opportunity for:

- Te Puni Kōkiri to provide feedback on the strengths, weaknesses and identified risks with a preferred respondent’s initial proposal
- preferred respondents to refine their proposal to address the areas Te Puni Kōkiri identifies as potential weaknesses or risk areas or further develop areas of strength
- Te Puni Kōkiri to gain a greater understanding and confidence in each preferred respondent’s proposal.

The refined proposals would then be re-evaluated by the Evaluation Panel at the end of the solution refinement process.

Only respondents that have been selected to proceed to the solution refinement process would be asked to submit refined proposals.

If Te Puni Kōkiri decides to undertake a solution refinement process with any respondents, those respondents will be notified accordingly and the objectives, format and content of those workshops will be presented to the preferred respondents. The solution refinement process is an opportunity to refine and clarify aspects of the respondent's proposal and is not an invitation to submit a completely new and/or different proposal.

#### **8.4. Negotiations**

Te Puni Kōkiri may enter into contract negotiations with some or all respondents and expects to award one (1) contract for each commissioning agency. Negotiations may take place directly following the evaluation or following the solution refinement process, if this process is used.

##### ***Scope of negotiations***

During negotiations (if any), Te Puni Kōkiri may seek to develop proposals to ensure an appropriate outcome is achieved and may invite any respondent to amend its proposal during this process.

Te Puni Kōkiri expects to enter into negotiations only on aspects of a respondent's proposal which relate to commissioning activities, establishment costs and operating costs.

Te Puni Kōkiri may discontinue negotiations with any respondent(s) at any time at its sole discretion.

#### **8.5. Clarification and additional information**

Te Puni Kōkiri may request clarification and/or additional information from any respondent(s) and/or third party about any aspect of a proposal but is not required to request the same clarification and/or additional information from each respondent.

Each respondent authorises Te Puni Kōkiri to collect any information from the respondent and/or any referees (except for commercially sensitive pricing information in the case of information collected from referees) and to use that information in evaluating the respondent's proposal.

Any clarification(s) or additional information must be received within the time notified by Te Puni Kōkiri. The Evaluation Panel will amend or confirm initial evaluation scores in the light of clarifications and additional information provided.

If a respondent fails to respond adequately and/or in a timely manner to any request for clarification or additional information, Te Puni Kōkiri may cease evaluating the respondent's proposal without seeking further clarification from the respondent.

#### **8.6. Notification of successful respondents**

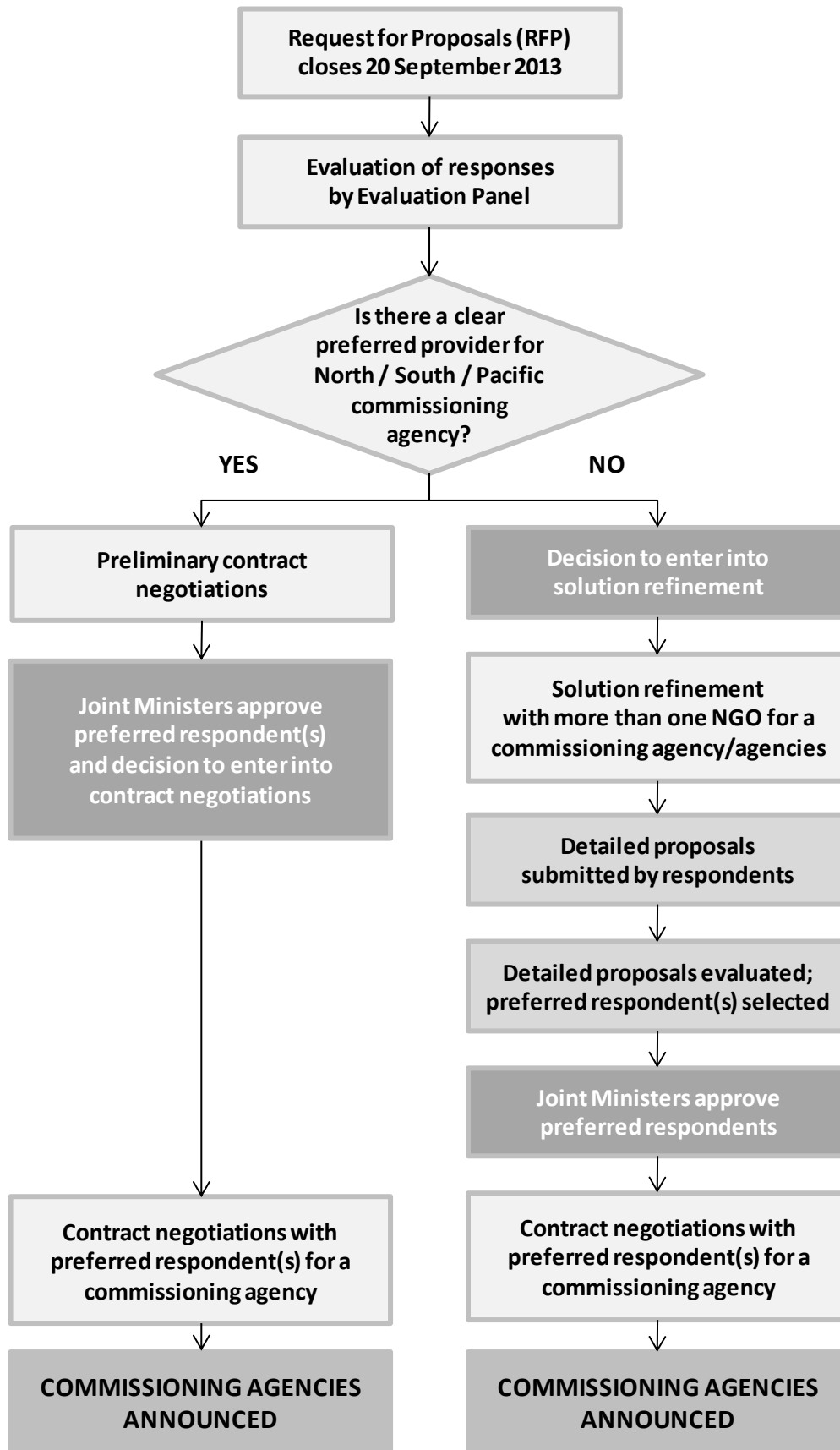
Te Puni Kōkiri intends to notify all respondents in writing of the outcome of the RFP process in December 2013.

Te Puni Kōkiri intends to enter into the contract(s), subject to successful negotiations (if any), soon after notification of the preferred respondent(s).

Te Puni Kōkiri will offer a debriefing to each respondent that is not selected as a preferred respondent to convey information as to why its proposal was unsuccessful. Te Puni Kōkiri will agree the timeframe for debriefing with each respondent; however, Te Puni Kōkiri is unlikely to conduct these until after any contracts have been entered into with the preferred respondent(s).

The key steps in the evaluation process are shown in Figure 5 below.

FIGURE 5: Evaluation process



## 9. RFP TERMS AND CONDITIONS

---

### 9.1. General

The terms and conditions of this RFP are set out below. These terms and conditions are non-negotiable and do not require a response. Each respondent that submits a proposal will be deemed to have agreed to these terms and conditions without reservation or variation.

### 9.2. Responsibilities of respondents

Each respondent will:

- examine this RFP and any documents referenced by this RFP and any other information made available by Te Puni Kōkiri to the respondent
- identify and obtain any additional information it may require to design, cost and provide firm pricing for appropriate services that meet the specifications in this RFP
- obtain any independent advice it requires before making a decision to submit a proposal
- consider all the risks, contingencies, impacts and other circumstances having an effect on their proposal
- satisfy themselves as to the correctness of their proposal and of the pricing submitted as part of the proposal, and the sufficiency of the proposed services in its proposal to meet the specifications in this RFP
- list any assumptions and perceived risks identified and/or made in putting forward proposed solutions, services and pricing in their proposal.

### 9.3. Reliance by respondents

All information contained in this RFP or given to any respondent by Te Puni Kōkiri is for the purpose of allowing that respondent to prepare its proposal. Te Puni Kōkiri has endeavoured to ensure the integrity of such information. However, it has not been independently verified and may not be updated.

### 9.4. Reliance by Te Puni Kōkiri

Te Puni Kōkiri may rely upon all statements made by any respondent in its proposal and in correspondence or negotiations with Te Puni Kōkiri or its representatives. If a respondent is selected as a successful respondent, any such statements may be included in the contract.

Each respondent must ensure all information provided to Te Puni Kōkiri is true, complete, accurate and not misleading in all material respects. Te Puni Kōkiri is under no obligation to check any proposal for errors, omissions or inaccuracies. Each respondent will notify Te Puni Kōkiri promptly upon becoming aware of any errors, omissions or inaccuracies in its proposal or in any additional information provided by the respondent.

If Te Puni Kōkiri discovers or is notified of any errors, omissions or inaccuracies in a respondent's proposal and the correction of such errors, omissions or inaccuracies will not involve re-calculation, re-pricing or any other material change, Te Puni Kōkiri may amend the error, omission or inaccuracy and invite the respondent to confirm that its proposal remains open for acceptance as amended. Unless the respondent confirms its proposal as amended, the proposal may be deemed to be withdrawn.

On learning that any information provided by a respondent contains a material error, omission or inaccuracy, Te Puni Kōkiri may cease evaluating the respondent's proposal and, where applicable, may cease negotiating with the respondent.

### **9.5. Influencing and undisclosed benefits**

Respondents must not discuss this RFP or its subject matter with any third party, except with prior written consent of Te Puni Kōkiri or otherwise in accordance with this RFP.

Without limiting the above paragraph, respondents must not directly or indirectly provide any form of personal inducement or reward, approach, lobby or attempt to influence any Te Puni Kōkiri or Ministry of Pacific Island Affairs representative, Whānau Ora Governance Group member, Evaluation Panel member or any Minister who is directly or indirectly involved with this RFP.

Business as usual communications will be maintained with the usual contacts. However, during this RFP process, respondents must not use business as usual contacts to solicit or discuss this RFP or its subject matter with any person at Te Puni Kōkiri or its agents, including Evaluation Panel members.

The consequence of any breach of these requirements may be that the offending party is disqualified from participating in this RFP process (at the sole discretion of Te Puni Kōkiri).

### **9.6. Ownership and intellectual property**

#### ***Related to the purchaser's intellectual property (Te Puni Kōkiri)***

This RFP document and any other documents provided by Te Puni Kōkiri to any respondent remain the property of Te Puni Kōkiri. All copyright and other intellectual property rights in this RFP and any documentation and other information provided to any respondent or any other person by or on behalf of Te Puni Kōkiri in connection with this RFP will remain with, and belong at all times to, Te Puni Kōkiri or its licensors. Te Puni Kōkiri may request the immediate return of all documents supplied and any copies made of them at any time. Respondents must comply with any such request in a timely manner.

Each respondent may only distribute this RFP to the extent necessary for the purpose of preparing its proposal.

#### ***Related to the proposer's intellectual property***

Any proposals supplied by any respondent to Te Puni Kōkiri will become the property of Te Puni Kōkiri and will not be returned to the respondent. Ownership of the intellectual property rights in a proposal does not pass to Te Puni Kōkiri. However, in submitting a proposal, each respondent grants Te Puni Kōkiri a non-exclusive, non-transferable, perpetual licence to use, disclose and copy its proposal for any purpose related to this RFP process.

By submitting a proposal, each respondent warrants that the provision of that information to Te Puni Kōkiri, and the use of it by Te Puni Kōkiri for the evaluation of its proposal and for any resulting negotiation, will not breach any third party intellectual property rights.

### **9.7. Public statements**

The Minister for Whānau Ora and the Minister of Finance will jointly announce the names of the successful respondent(s) and may make public the names of any unsuccessful respondents.

No advertising, press release or other information relating to the acceptance or submission of any proposal shall be published in any newspaper, magazine, journal, website or other medium without the prior written consent of Te Puni Kōkiri.



Respondents, including successful respondents, are asked not make any public statements to any third party in relation to any aspect of this RFP process or the awarding of any contract without the prior written permission of Te Puni Kōkiri.

### **9.8. Confidentiality**

This RFP and all information and communications in respect of it are confidential to Te Puni Kōkiri.

The Evaluation Panel and its advisors will be bound by confidentiality agreements, and will be required to declare any conflicts of interests.

Each respondent agrees to keep this RFP and all information provided in connection with this RFP strictly confidential. No such information may be used by a respondent in any other context, nor divulged to any other party, without the prior written consent of Te Puni Kōkiri, although such consent is not required if the respondent is only disclosing such information to its partners, principals, directors, employees, contractors, officers, professional advisors and related entities who are directly involved in the preparation of its proposal. Each respondent shall take all reasonable steps to ensure that such recipients do not disclose such information to any person.

Te Puni Kōkiri may refuse any request from a third party under the Official Information Act 1982 for official information relating to this RFP where it considers this is justified under that Act. Te Puni Kōkiri cannot, however, ensure that any decision not to release such information will not be successfully challenged and the official information ultimately disclosed. Each respondent should identify any parts of its proposal that it considers are commercially sensitive. It will not be acceptable for a respondent to identify its entire proposal as commercially sensitive.

Te Puni Kōkiri will not, subject to its legal obligations (including under the Official Information Act) and its obligations to Parliament, provide commercially sensitive information to any third party, except for members of the Evaluation Panel and its personnel, advisors and contractors who are directly involved in this RFP process.

### **9.9. Rights of Te Puni Kōkiri**

Te Puni Kōkiri reserves the right to:

- reject all or any proposal(s) and not award or accept the lowest priced of any proposal
- consider, accept or reject any non-conforming proposal
- accept any proposal at any time for evaluation, provided that, if a proposal is not received by the closing date, in so accepting it there is no material prejudice to the other respondents
- seek clarification of any proposal
- re-invite proposals
- amend or extend any date in this RFP process on written notice to respondents
- amend this RFP or any associated documents on written notice to respondents
- waive any irregularities or informalities in this RFP process
- accept part of a proposal from any respondent(s) and, at the option of Te Puni Kōkiri, re-tender for the remainder
- reissue this RFP
- suspend (in whole or in part) this RFP process if a material or significant issue emerges during the process
- cancel this RFP on written notice to respondents

- take into account any other relevant information that Te Puni Kōkiri may have in its possession and to make enquiries of any person to assist it in the evaluation process, which (if relevant) will be done in a manner to ensure all respondents are treated equally and fairly
- contact, liaise and negotiate with any respondent(s), which may be to the exclusion of any other respondent(s), at any time before or after the selection of the successful respondent(s) (if any) or award of the contract(s), and on any terms and conditions
- negotiate and conclude any number, type or class of contract(s) with any respondent(s) to the exclusion of other respondents (on the basis of a proposal or any alternative basis)
- reject or not consider further any documentation related to a proposal that it may receive from a respondent
- give whatever weight it considers appropriate to any policy or criteria relating to participation in this RFP process or evaluation of any proposal
- ensure that the successful respondent(s) have the capability and capacity necessary to deliver commissioning
- not enter into any contract in relation to the matters described in this RFP
- run this RFP in such a manner as Te Puni Kōkiri may see fit.

#### **9.10. No contractual obligations created**

No statement in this RFP binds or places Te Puni Kōkiri under any contractual or other obligation.

This RFP does not constitute an offer by Te Puni Kōkiri to acquire goods or services or enter into any agreement with any respondent. The request for, and receipt of, proposals does not imply any obligation on Te Puni Kōkiri to contract for any services included in any proposal. Te Puni Kōkiri will not be bound in any way until a supply agreement is entered into.

Te Puni Kōkiri makes no representations and gives no warranties in this RFP.

Any verbal communications made by Te Puni Kōkiri during this RFP process will not be binding on Te Puni Kōkiri and are subject to the terms of this RFP.

#### **9.11. No process contract**

Despite any other provision in this RFP or any other document relating to this RFP, the issue of this RFP does not legally obligate or otherwise commit Te Puni Kōkiri to proceed with, or follow the process outlined in, this RFP, or to evaluate any proposal or enter into any negotiations or contractual arrangements with any respondent.

For the avoidance of doubt, this RFP process does not give rise to a process contract.

#### **9.12. No anti-competitive behaviour**

This RFP process is intended to promote fair competition between respondents. Respondents must not engage in collusive, deceptive or improper conduct in the preparation of their proposals or other submissions, or in any discussions or negotiations with Te Puni Kōkiri.

Te Puni Kōkiri may require statutory declarations, and other evidence as it sees fit, throughout this RFP process in pursuing its goal to ensure the probity of the overall RFP process.

### **9.13. Exclusion of liability**

Te Puni Kōkiri will not be liable (whether in contract, tort, including negligence, or otherwise) for any cost, damage, expense or loss suffered or incurred by any respondent, its affiliates or any other person arising directly or indirectly in connection with this RFP, including without limitation:

- the evaluation process
- the preparation of any proposal
- any investigations of or by any respondent
- negotiating or concluding any contract
- the acceptance or rejection of any proposal
- the suspension or cancellation of the process contemplated in this RFP
- any information given or not given to any respondent(s).

By participating in this RFP process, each respondent waives any rights that it may have to make any claim against Te Puni Kōkiri. To the extent that legal relations between Te Puni Kōkiri and any respondent cannot be excluded as a matter of law, the liability of Te Puni Kōkiri is limited to \$1.

Nothing contained or implied in or arising out of this RFP or any other communications by Te Puni Kōkiri to any respondent shall be construed as legal, financial or other advice of any kind.

### **9.14. Amendments and clarifications**

Where Te Puni Kōkiri amends any date in this RFP process, this RFP or any associated documents, it may implement such amendment by way of written amendment notice. A copy of each amendment notice will be issued on [www.gets.govt.nz](http://www.gets.govt.nz).

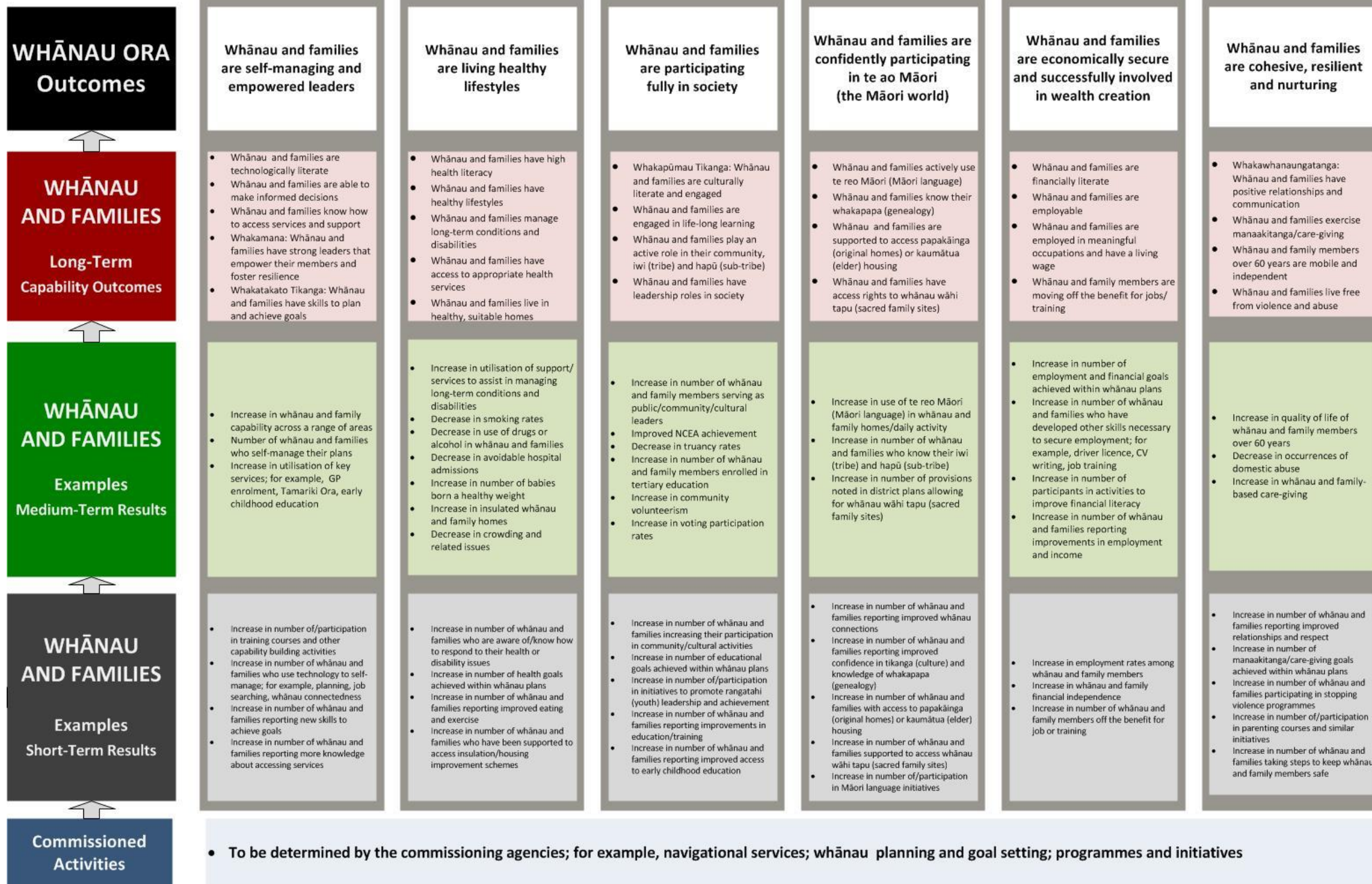
All amendment notices or clarifications issued will become part of this RFP.

### **9.15. Governing law and jurisdiction**

This RFP will be construed according to, and governed by, New Zealand law and each respondent agrees to submit to the exclusive jurisdiction of New Zealand courts in any dispute concerning this RFP or any proposal.



# Whānau Ora Results Commissioning Framework



## APPENDIX 2: RELATIONSHIP PRINCIPLES

---

The following principles will form part of the framework used to guide the relationship between Te Puni Kōkiri as the Administering Department for Whānau Ora and the Whānau Ora commissioning agencies.

- **Te Wero** – we pursue excellence – we strive for excellence and we get results. We act with courage when required, take calculated risks and are results focussed.

*Our commissioning activities will be linked to outcome- based performance indicators.*

*Commissioning evolution – it is anticipated that commissioning activities will evolve over time and the contracting framework will therefore be designed to accommodate constructive changes that improve achievement of overall outcomes.*

- **Manaakitanga** – we value people and relationships – we act with integrity and treat others with respect. We are caring, humble and tolerant. We are co-operative and inclusive.

*Each commissioning agency will be held accountable for the management of its service delivery contracts and operational risks. However, Te Puni Kōkiri carries ultimate responsibility for the achievement of outcomes and the actions of each commissioning agency.*

*Transparency – Te Puni Kōkiri expects open and honest reporting from the commissioning agencies.*

- **He Toa Takitini** – we work collectively – we lead by example, work as a team and maximise collective strengths to achieve our goals.

*Te Puni Kōkiri and all three (3) commissioning agencies will be expected to operate as a team, tasked with delivering the outcomes required.*

*This will require all parties to practise open and honest communication, respond quickly and proactively to issues raised by each other and share responsibility for finding both opportunities and solutions to problems.*

- **Ture Tangata** – we are creative and innovative – we test ideas and generate new knowledge. We learn from others and confidently apply new information and knowledge to get results.

*Initiative and innovation is expected in all aspects of commissioning activities and will be further rewarded where it enhances the achievement of outcomes.*