



## Australian Government

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### Department of Broadband, Communications and the Digital Economy

#### REQUEST FOR PROPOSALS NO. DCON/08/18

#### REQUEST FOR PROPOSALS TO ROLL-OUT AND OPERATE A NATIONAL BROADBAND NETWORK FOR AUSTRALIA

#### CLARIFICATION NUMBER 2

**QUESTION:** *If a proponent has developed marketing material relating to the proponent's preferred structuring of the National Broadband Network Project that it had released in the public domain prior to the release of the RFP, would the provision of that material after the release of the RFP to Ministers, Senators or Members of Parliament or their staff contravene the terms of the RFP?*

**ANSWER:** No, provided that the material is not:

- provided in an attempt to improperly influence any current or former officer, employee, contractor or agent of the Commonwealth, or any Minister or Minister's adviser (clause 7.1.2.3 of the RFP). While it would ultimately depend on the content of the material and the circumstances in which it is provided, material that is prepared and publicly released prior to the release of the RFP is less likely to be seen as an attempt to improperly influence Ministers or their staff than material developed after release of the RFP. Circumstances in which material, that is prepared and publicly released prior to the release of the RFP, could be seen to be an attempt to improperly influence a Minister or their staff include where the material is accompanied by a cover letter providing additional context or background about the proponent's intended bid or where the material is provided in a meeting with a Minister or their staff on an unrelated topic.
- a communication in relation to the RFP process that should properly be provided to the Contact Officer for the RFP (clause 10.7.5 of the RFP). Requests for clarification of the RFP for example should only be provided to the Contact Officer. Marketing material which does not directly relate to the RFP process is unlikely to be caught by this clause.
- for publication in any media, or if it is, does not concern the RFP, the Proposal evaluation, the acceptance of any Proposal, commencement of negotiations, creation of a shortlist, or notification that a Proponent is a preferred Proponent - unless the prior written approval of the Commonwealth is provided (clause 11.1 of the RFP). Material that is prepared and publicly released prior to the release of the RFP is unlikely to contravene this clause, including where it is published again after the release of the RFP, unless it includes additional context or material concerning the RFP.