



# Low Emission Transport Fund Request for Proposals

Vehicles, Technology,  
Off-Road & Marine

Round 14, July 2024

# Request for Proposal (RFP)

by: Te Tari Tiaki Pūngao Energy Efficiency & Conservation Authority  
for: Low Emission Transport Fund — Vehicles, Technology, Off-Road & Marine  
ref: Low Emission Transport Fund, Round 14

RFP released: 29 July 2024  
Deadline for Questions: 12pm, 4 September 2024  
Deadline for Proposals: 12pm, 9 September 2024

# Contents

Contents .....	3
The opportunity.....	4
SECTION 1: Key Information .....	8
SECTION 2: Our Requirements.....	11
SECTION 3: Our Evaluation Approach.....	17
SECTION 4: Funding Information .....	23
SECTION 5: The RFP Process .....	24
SECTION 6: Our Proposed Funding Agreement .....	28
SECTION 7: RFP Terms .....	30
SECTION 8: Glossary.....	38

## The opportunity

This RFP is issued by Te Tari Tiaki Pūngao Energy Efficiency & Conservation Authority, referred to below as EECA, “we” or “us”. We’re inviting Applicants to submit Proposals for funding from the Low Emission Transport Fund (“LETf” or “the Fund”).

Read this RFP to understand what types of Projects we’re looking for, how to prepare a Proposal and the terms and conditions that apply to both the RFP and co-funding.

### **This round is focused on on-road and off-road vehicles, technologies, software and marine projects**

To best deliver the outcomes of the LETf, the Fund is divided into a portfolio of Investment Activities, which EECA is releasing to the market as individual funding rounds.

**This Funding Round seeks Project applications for ‘Demonstration of Vehicles, Technologies and Marine’, which includes on-road and off-road vehicles, technologies, software and marine projects meeting the specifications.**

You’ll find more details about eligible Projects in Section 2. Other funding rounds will cover public charging applications.

### **The overall goal of the Fund is to help accelerate decarbonisation of New Zealand’s transport**

The LETf will help accelerate the decarbonisation of the New Zealand transport sector by supporting successful Applicants to:

- demonstrate high-potential and replicable solutions
- adopt low-emission transport technology, innovation and infrastructure.

The Fund will stimulate the demonstration of low-emission transport options, while creating new knowledge to support their wider rollout, increase energy efficiency and reduce greenhouse gas emissions from transport. Early action in this space can accelerate the deployment of proven, low-emission solutions at a supported commercial scale.

The Fund will focus on transport sector Projects that move people, goods, or both on roads, off-road, and in the marine and aviation sectors (Note — this round is focused on on-road and off-road vehicles, technologies, software and marine projects). The Fund is designed to support Projects to:

- demonstrate innovative solutions that can be deployed widely in the near future
- reduce energy-related emissions in the transport sector
- address market and organisational barriers through co-investment and by sharing new knowledge
- share learnings to stimulate wider replication of successful Projects and solutions in the transport sector.

### **What’s new in this round**

- We have established a fund pool of \$4.0 million, with flexibility to increase funding if the submissions justify additional investment.



## What kinds of Projects we're looking for

The **Investment Activity** for this funding round is to demonstrate a range of:

- low-emission technologies, infrastructure, innovations and business models.
- low-emission on-road and off-road vehicles as well as marine vessels (limited to the specifications set out in Section 2.4).

The Fund is intended to support delivery of low-emission transport Projects, ranging from large-scale Projects to small-scale and early-stage Projects.

Who can apply is detailed in Section 1.4 and minimum eligibility requirements are found in Section 3.3 below. Refer to 'What we're not looking for in this round' below for exclusions.

In this round, we're looking for technology, vehicle, and software and support Projects that will achieve the following.

### Technology

- Encourage innovation in approaches and technologies that can decarbonise transport through, for example, smart charging and software to manage peak electricity demand, by optimising the use of low-emission vehicles (LEVs) and other modes of transport, or with MaaS software applications.
- Provide charging infrastructure technology which demonstrates how technology can address constrained infrastructure or power availability at key charging locations. Note — charging Projects where the deliverable is a charger and infrastructure to add to the network of chargers around the country are excluded from this round.
- Facilitate the scaling up of EV technology, especially in heavy vehicle fleets — for example, fleet optimisation and transition studies for light or heavy vehicles.
- Vessels and technologies that encourage innovation in approaches and technologies that can result in marine transport decarbonisation through for example electrification, hydrofoiling, and hybrid drives.

### Vehicles and vessels

- Demonstrate how low-emission on-road and off-road vehicles and marine vessels can fulfil a new business case, service a new sector or use case, or address significant barriers in an organisation or sector. Note — see the specification in Section 2.4 below.
- Demonstrate opportunities to consolidate the existing fleet of vehicles and provide innovative ways to transport people and goods.
- Marine vessel operational emissions reduction - Improving emissions profile without large capital investment/vessel replacement, behaviour change and optimisation. For example, advanced hull coatings, propeller optimisation (Note — we are looking for this to be incorporated into a wider project. Hull coatings / propeller optimisations Projects wouldn't score highly in isolation).

### Software and support

- Provide software applications that will accelerate the transition of the fleet to zero emissions.
- Support the development of low-emission transport maintenance, repair and other support services.
- Support the development of battery repurposing opportunities.

## Projects must demonstrate some of these qualities

Your Project should demonstrate:

- Additionality or innovation in its business case specifically
- significant replication potential
- technology being used in a new location or environment
- possible end-use in a different sub-sector
- potential for low-emission transport transition in the short, or medium term
- significant learning opportunities by overcoming organisational, sectoral or regulatory barriers.

## Hydrogen fuel Projects may be eligible

Hydrogen fuel cell vehicles and technologies will be considered for funding if they:

- use New Zealand's renewable electricity advantage
- are proposed for cases that are hard to electrify
- have a ready supply of hydrogen (independent of the fund) available and accessible at a reasonable cost and distance from supply.

## What we're not looking for in this round

In this round, we're not looking for Projects that are vehicles or marine vessels that are the same (or very similar) to ones already available or proven. The charging infrastructure that goes with them is also unlikely to be successful if there are no new demonstration features.

We're not looking for Projects that have already begun; EECA will not reimburse any expenses already incurred. EECA will not provide co-funding to Applicants that have already purchased, developed or leased any Project elements such as vehicles or software. EECA will consider only Projects that would not happen without co-funding or which the Applicant can show co-funding will significantly accelerate the timeframe of their Project.

We will not support Projects that are receiving any other Central Government funding.

## Projects outside the scope of the LETF

For clarity, Projects focusing on the following activities are outside the scope of the Fund:

- projects involving biofuels
- waste minimisation
- Projects that duplicate or are already covered by existing Government funds, policy, regulation or market settings initiatives (e.g. Council buses)
- non-transport related Projects (meaning the primary purpose is not an activity that moves people or goods in the transport sector) or equipment that is not transport focused e.g. silage equipment, concrete mixers or drilling plant. Talk to EECA if this equipment is powered by the truck's battery
- energy production and electricity generation, such as wind, solar or electrolysis (for hydrogen)
- pure transport system Projects, such as transportation in city planning, urban development, or mode shift policy

- liquid and gas fuel storage and distribution infrastructure, such as biofuel storage or fuel pipelines
- reducing agricultural emissions or embodied carbon
- displacing one fossil fuel for another (e.g. transitioning from coal to natural gas)
- research & development, and implementing technologies or infrastructure that are not commercially available
- pure desktop research, academic research and pre-commercial studies
- any activities that would represent an ongoing financial liability for EECA
- Project-related travel expenses, whether national or international
- two-wheeler vehicles (such as bikes, scooters, and electric bikes and scooters) and electric bike secure storage, quadbikes, ride-on lawnmowers
- conventional and plug-in hybrid vehicles, such as cars, utes, vans and buses
- light vehicle conversions, such as converting diesel or petrol utes, vans or cars to electric vehicles (Note — heavy vehicle conversions may be eligible; refer to the additional qualifications above)
- unmanned aerial vehicles (such as drones)
- Projects that are focused on marketing, promotion, education and providing information
- 'business-as-usual' costs of an organisation, such as the costs associated with existing staff.

If you are in any doubt, please contact us to discuss your Project. We are constantly reviewing the scope and would be interested to see if your Project can be added to a future funding round.

## A bit about EECA

EECA, the Energy Efficiency and Conservation Authority, was established as a Crown entity under the Energy Efficiency and Conservation Act 2000.

Our mandate is to encourage, promote and support energy efficiency, energy conservation and the use of renewable sources of energy.

We want all of New Zealand to recognise that the energy we save now will be an asset to our future, in a multitude of ways. We want a sustainable energy system that supports the prosperity and well-being of current and future generations.

We're doing this with expertise, research, regulation, co-investment, support — and by engaging the hearts and minds of all New Zealanders. We inspire New Zealanders to be clean and clever energy users, and to demand changes from others. We show them that every effort counts as we transition to a low-emissions economy.

Our te Reo Māori name is Te Tari Tiaki Pūngao — the Office that guards the energy.

## SECTION 1: Key Information

This section sets out important information about how to participate in this round of the contestable LETF.

### 1.1 Context

#### EECA can run multiple contestable rounds per financial year

There is no set maximum number of Funding Rounds for the Fund, or for any specific financial year that the Fund is operational. EECA may also choose not to run further investment activity in any financial year.

#### How decisions will be made

This is a summary of the RFP process. For more detail, see Section 5.

1. Applicants submit Proposals in response to this RFP.
2. An Assessment Panel evaluates eligible Proposals against the defined criteria and makes funding recommendations to the EECA Delegated Authority (DA).
3. Based on those recommendations, EECA may negotiate aspects of a Project with the Applicant before offering an Agreement.
4. EECA and the successful Applicants will complete LETF Funding Agreements for the delivery of the Projects. You can view the contract template with this RFP on EECA's website.
5. Unsuccessful Applicants can request a debrief on the decision relevant to their application.

### 1.2 Our timeline

The table below shows our timeline for this RFP. All dates and times are in New Zealand.

Step in the RFP process	Deadline
RFP opens	29 July 2024
Deadline for questions from Applicants	12pm, 4 September 2024
Deadline for EECA to answer Applicants' questions	12pm, 6 September 2024
Deadline for Proposals	12pm, 9 September 2024
Panel recommendations and EECA approval process complete	Late October
Applicants notified of outcome	Late November

### 1.3 How to contact us

Applicants must direct all enquiries to our Point of Contact by the 'deadline for questions' above. We will manage all external communications through the Point of Contact.

The EECA Point of Contact is available to help with, for example, questions on the scope of the Fund or assistance with completing the Response Form.

**To reach our Point of Contact, email:** [applications@eeca.govt.nz](mailto:applications@eeca.govt.nz).



## 1.4 Who can apply

This funding round is open to all New Zealand-based and New Zealand-registered legal entities, except:

- Public Service Departments
- Non-Public Service Departments (such as the New Zealand Defence Force)
- Statutory Crown Entities.

For clarity, the following types of organisations are eligible to submit Proposals:

- State-owned Enterprises
- Local Councils
- Regional Councils

### Projects must be delivered in New Zealand

Proposals must be for Projects to be delivered in New Zealand, however they can involve Project partners based overseas. EECA will contract only with New- Zealand-registered entities.

## 1.5 Developing and submitting your Proposal

This is an open competitive process. The RFP sets out the step-by-step process and conditions that apply.

Take time to read and understand the RFP. In particular, we recommend you:

- develop a strong understanding of what we are looking for as described in section 2.2.
- consider how your Proposal will be assessed when preparing it (Section 3 describes our assessment and decision-making approach).

You must use the Response Form available on the EECA website. You must also complete and sign the declaration at the end of the Response Form.

If you have any questions, you can email our Point of Contact for an explanation — but please do so before the deadline for questions.

## 1.6 Address for submitting your Proposal

Proposals must be submitted by completing the online application form.

We will not accept Proposals sent by post or fax, or hard copy delivered to our office.

## 1.7 Our RFP Terms

### Proposal Validity Period

By submitting a Proposal, the Applicant agrees to hold it open for acceptance by EECA for at least six months from the Deadline for Proposals. This is referred to as the Proposal Validity Period.

### RFP Terms

By submitting a Proposal, the Applicant agrees to the RFP Terms described in Section 7.

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

## 1.8 Later changes to the RFP or RFP process

We will publish a notice on GETS and the LETF section of the EECA website if, after publishing the RFP, we need to change anything about the RFP, or RFP process, or want to provide Applicants with additional information. That website is the same place you downloaded this RFP from: [www.eeca.govt.nz/LETF](http://www.eeca.govt.nz/LETF)

Applicants are responsible for checking for any updates before submitting their Proposals.

## 1.9 Defined terms

We identify words and phrases that have a special meaning in this RFP using capitals — for example, Applicant. You can view a glossary of terms in Section 8.

## SECTION 2: Our Requirements

This section outlines in more detail the objectives of the LETF and what we are trying to achieve in this round.

Some Projects that may have been eligible in previous rounds are outside the scope of this round. Read the information carefully to ensure your Project and Proposal are aligned with our requirements.

### 2.1 Background

The transport sector currently produces 47% of New Zealand's CO<sub>2</sub> emissions. Between 1990 and 2018, domestic transport emissions increased by 90%.

Transport decarbonisation is expected to play a key role in New Zealand's progress towards our net zero 2050 goals. That's why the Government has continued its investment into reducing transport emissions with the Low Emission Transport Fund.

EECA will continue to administer the Fund on behalf of the Government.

### 2.2 Key outcomes

Projects will need to meet the minimum eligibility conditions detailed in Section 3.3, be delivered to expectations and represent strong value for money for Government investment. The evaluation criteria in Section 3.5 will help Applicants understand the key outcomes we're looking for and the weighting the Assessment Panel will place on different elements.

#### Investment principles guide criteria and should inform your Proposal

Projects will be considered in line with criteria (set out in Section 3.5) that has been guided by the following Investment Principles.

Under each of the six Investment Principles, we have set out accompanying questions for Applicants to consider when putting together a Proposal.

- 1. Enable future emission reductions:** Projects should demonstrate an indirect or direct contribution to the objective of transport sector decarbonisation.
  - How does this Project decarbonise transport? How does it reduce emissions (e.g. fuel switching, adoption of technology, behaviour change or shift, avoidance of travel)? Consider direct and indirect effects.
  - What is your estimate of the potential for emissions reduction of this Project? Provide a breakdown of your estimate.
  - Can you estimate the potential for emissions reduction if this Project were to be replicated across your organisation?
  - Who else might use this Project solution — which sectors, what types of organisations? Who might benefit?
- 2. Demonstrate innovative and replicable low-emission Projects:** Projects should focus on decarbonising high-impact areas by supporting early adopters, demonstrating replication potential and reducing risk around emerging innovations. Note — see below for guidance on how we evaluate 'innovation'.

- Is there a significant opportunity for learnings and new knowledge in the organisation? What barriers will the Project overcome? Note — barriers cannot be simply financial.
  - Explain how this Project is innovative. Does the Project expand or build upon any current or past Projects or comparable market activity?
  - How innovative is the Project compared to any equivalent business-as-usual activities you would normally be undertaking in the market, or that are currently available?
  - How replicable is the Project for broader application? What conditions would be necessary to enable further uptake?
  - What are the key performance indicators that would lead you to further investment? What is the scale-up opportunity within your organisation? What future efforts will you commit to following this Project?
  - If you're a supplier, how will you develop the solution further with customers, or as a commercial opportunity with customers and the market? What is your go-to-market plan following the Project? Note — the Fund is not a development subsidy; you must have committed customers able to participate in your demonstration Project.
  - Has this Project or idea been demonstrated successfully overseas?
  - Are there wider areas of potential application beyond the scope of this Project?
3. **Diffusion of knowledge and learnings:** Project data will create knowledge for Government and industry decision-makers, which will be adopted by businesses and individuals to attract private investment and shift consumer behaviour.
- What knowledge and learnings do you expect the Project to generate? How will they help achieve the objectives of the LETF?
  - How do you plan to share knowledge and learnings, and with what stakeholders (e.g. marketing, conferences, published papers, internal resource)? To what extent will you make data and information from your Project publicly available?
  - How do you intend to collect and analyse the data (and what specialist resources might you use)? What constraints might prevent you from meeting knowledge and data reporting requirements? Note — you will agree to sharing knowledge, reporting and data with EECA as part of the Funding Agreement, as defined in Section 6.
4. **Encouragement of sector transformation:** Projects should improve business, community and Government capability to develop innovative, commercially competitive responses to barriers and opportunities, leading to broader market development.
- To what extent could the Project accelerate uptake of (or public benefits from) low-emission technology, innovation, and infrastructure in New Zealand's transport sector? What other conditions would be needed to achieve this?
  - How does the Project help to reduce emissions in the sector, and how deep might this transformation be? What are the additional unintended benefits of the Project?
  - What sector decarbonisation outcomes might the Project enable? (e.g. capability, capacity, distributional impacts, removing regulatory barriers and any others).
  - How is the Project structured? Does it include live pilot customers who are committed to the Project? Provide clear timeframes and evidence of commitment, such as letters of support.

5. **Leverage of investment:** Projects should maximise co-funding opportunities and provide a link with other Government funds.
- What is the Project cost, and what is your contribution? Are other partners or co-Applicants involved?
  - How much more private investment might the Project unlock?
  - How soon can the Project deliver for you? In what timeframe might it deliver benefit to the market?
6. **Value for money:** Projects will demonstrate value for money by seeking the best possible public benefits, outcomes and additional incidental benefits and outcomes, with overall benefits exceeding the overall costs.
- What are the overall benefits or value of the Project activity?
  - What are the overall costs or indirect outcomes of the Project activity?
  - How will the Project lead to public benefits? How large do you expect those benefits to be compared to the funding you're seeking?
  - How important is the Fund to supporting the delivery, scale, or speed with which these public benefits will be realised? What could you achieve without funding from the LETF? Note — co-funding is intended for Projects which would not otherwise happen, or Projects which co-funding would significantly accelerate the timeframe. EECA will not reimburse any expenses already incurred.

### How we evaluate 'innovation'

For the purposes of this Fund, we consider 'innovation' to include:

- applying a new solution to reducing emissions in the transport sector, directly or indirectly
- helping the existing transport sector work better (e.g. providing access to LEVs or technology where they are uncommon, or increasing replicability or scalability of uptake)
- innovating in processes, systems or technology (e.g. increasing public benefit, or improving efficiency or integration into the transport sector).

Projects can include solutions that have been demonstrated in New Zealand previously but must build or expand upon previous iterations. This may involve new innovation, a new business case, a demonstration opportunity in a new sector or use case or addressing significant barriers in an organisation or sector.

Innovation can be applied across a category or market of operation and offer opportunities for further uptake of the solution and broader market development.

## 2.3 What we require from an Applicant

As a condition of co-funding, EECA will be seeking data, information and lessons learned during the Project.

Funding Recipients must agree to knowledge, reporting and data deliverables in Schedule 3 of the Funding Agreement. The Schedule will set out what information and knowledge will be provided, and how, when and with whom it will be shared.

These deliverables will include:

- Project progress reporting to monitor progress and manage Fund risks



- Project-specific lessons and outcomes learned over the duration of the Project
- Project information, data, analysis and performance reporting to assess the overall effectiveness and performance of the Project outcomes. EECA will collect data and may use it to share knowledge and learnings to the market (e.g. in publicly available case studies for replicable Projects).

From time to time as required, EECA may specify additional reporting requirements to analyse an individual Project's performance, or to assess overall Fund performance.

Applicants should refer to Schedules 1 and 3 of the Proposed Funding Agreement for examples.

### Sharing stories and results in media and case studies

Recipients will work with EECA to share their story and results across a variety of media. EECA may also publish Project case studies on the EECA website.

## 2.4 What types of Projects are eligible for funding

The Fund will support investment in demonstrating and adopting LEVs, technology, innovation and infrastructure Projects and initiatives to decarbonise the transport sector.

To be specific, our interpretation of 'transport' does not directly address the wider transport system (such as building roads, transportation and city planning, urban development, mode shift policy, etc).

### Eligible LEVs include goods vehicles (trucks), off-road vehicles and marine vessels

For the purposes of the Fund, LEVs are defined as vehicles, vessels and related technologies that use our renewable electricity advantage to significantly reduce greenhouse gas emissions. LEVs include battery electric vehicles and hydrogen fuel cell vehicles (as long as the hydrogen fuel supply is produced using New Zealand's renewable energy advantage).

The Fund is limited to Projects involving mainstream vehicles (and related technologies) that operate on public roads and off-road, in the following vehicle classes<sup>1</sup>.

- Goods vehicles (trucks) in classes NA, NB and NC
  - These are eligible only if Applicants can show new demonstration value or information that provides a substantial decarbonisation opportunity for the wider market.
- Off-road vehicles
  - Eligible off-road vehicles include side-by-side vehicles (meeting WorkSafe standards), tractors, excavators, loaders, graders, compactors, pavers, trucks, quad trucks, straddle carriers, forklifts, mobile cranes, compactors, scrapers, mobile crushers, side loaders, reach stackers and harvesters etc. Note — we will consider off-road vehicles that are on tracks in this round.
  - We'll also consider ancillaries operating off the vehicle's battery or a low-emission fuel source where there is a demonstration case.
- Marine Vessels
  - Vessels must meet the specifications relevant to their use - commercial vessel-based projects must refer to the requirements of the Maritime Transport Act and associated rules, and where guidelines are voluntary, they must meet those guidelines. Charging infrastructure must meet the

---

<sup>1</sup> <http://www.nzta.govt.nz/vehicles/vehicle-types/vehicle-classes-and-standards/vehicle-classes/>

relevant WorkSafe and EECA Publicly Available Specifications and guidelines. Other Project components must be legally operable in New Zealand and meet all required safety standards.

In any Proposal involving the lease of vehicles, the lessor should be the lead Applicant for that Proposal.

All vehicles, whether on-or off-road, must meet relevant standards and regulations and be legally operable for the purposes of the Project.

### **Ancillaries, hybrids and conversions**

Certain ancillary equipment, and limited hybrid vehicles and vehicle conversion Projects, may also be eligible for funding.

- Elevated work platforms and other ancillary equipment may qualify if Applicants can demonstrate a substantial decarbonisation opportunity and the equipment is part of an application involving non-fossil fuel low-emission vehicles.
- Hybrids
  - We may consider off-road hybrid vehicles only if options for electrification are not available.
  - On-road hybrid light and heavy vehicles are excluded.
- Conversions
  - Heavy vehicle off-road conversions (e.g. internal combustion engine (ICE) to zero emission such as electric or green hydrogen) are eligible only if the Applicant can demonstrate:
    - their ability to scale the Project in volume within a reasonable timeframe
    - a new technology or capability that provides a significant learning opportunity or knowledge development for the market and high replication.
  - Light vehicle conversions (e.g. utes) are excluded.
  - Heavy vehicle on-road conversions are excluded.

## **2.5 Co-Funding value and principles**

The Fund will commit up to approximately \$4.0 million to co-funding demonstration of vehicles and technology Projects as defined in this RFP. Funding Agreements are expected to be signed by 20 December 2024.

If EECA receives compelling Proposals worth more than \$4.0 million in co-funding, we may extend the total funding available.

### **Co-funding cannot subsidise Projects that would go ahead without it**

EECA will work to ensure that the Fund is only used to enable Projects, and not subsidise Projects that would happen without funding. Applicants will be asked to provide information and confirm their Projects would not proceed without co-funding (or, otherwise, explain how co-funding would significantly accelerate the timeframe of their Project). No previously incurred expenses will be reimbursed.

EECA will optimise the level of Government co-funding to maximise the Fund's impact across a suitably balanced portfolio of Projects that reflects the Fund objectives.

## Applicants should follow these Funding Principles

Applicants are required to outline the level of co-funding they are requesting in their Proposal. They should only request an amount co-funding that enables the Project to be implemented or brought forward. Investment decisions will be guided by the LETF Investment Principles, and co-funding will be considered acknowledging the following Funding Principles.

- Projects must have a total Project cost of at least \$50,000 to be eligible, as this level enables a meaningful contribution to Fund objectives.
- Co-funding is only available for the incremental cost of the Project, if applicable (see below for more detail).
- Applicants can request co-funding for up to 50% of total Project costs and up to \$500,000 per Project.
- In some cases, a higher percentage or dollar value may be approved, if the Assessment Panel is satisfied that:
  - the Project is likely to result in significant public benefits
  - the Project cannot be scaled down without significantly affecting its objectives, viability and value for money.

In this case, discuss your Project with EECA's point of contact.

- The combined total of any one Group's approved LETF Projects (including the Applicant's Group of Companies) must not exceed 20% of the funds in a given financial period, unless agreed by the EECA Board. EECA will maintain a running total of approved applications for Group entities.
- Applicants must provide their portion of co-funding in cash, not in-kind (such as existing assets or the provision of already-purchased goods and services).
- Applications for co-funding must meet the minimum eligibility requirements set out in Section 3.3.
- All eligible and complete Proposals, regardless of the amount of funding requested, will go through the same assessment process, and if successful, may be offered funding.

## Co-funding is only available for the incremental cost of low-emission solutions

Co-funding will only be considered for a proportion of the incremental cost, if applicable, to your Project. The incremental cost is the difference in price between using an internal combustion engine (ICE) vehicle equivalent and your Project.

We require information about these prices to ensure funding is only applied to a proportion of the incremental cost. We also use these comparative costs to compare the value offered by your Project against other Projects.

If you believe that EECA should contribute to the entire Project cost rather than a proportion of the incremental cost, please justify this in your application.

To clarify, the incremental cost is the difference between the business-as-usual cost of undertaking your Project and the cost to purchase, create or implement a low-emission solution. Incremental cost shows how much using low-emission options is costing you over and above, for example, the ICE equivalent, and including the costs of low-emissions infrastructure (such as charging stations).

## SECTION 3: Our Evaluation Approach

This section sets out our evaluation approach for the LETF, including minimum eligibility requirements, evaluation criteria, and scoring.

Proposals must be justifiable, quantified and supported by a business case. The Assessment Panel will view Projects that are ready-to-go and well-costed more favourably than those with contingency costs and other estimates.

### Review previously approved Projects before submitting a Proposal

Applicants should consider their Proposal in light of previously approved EECA LETF and Low Emission Vehicles Contestable Fund Projects, and other Projects in the New Zealand market.

Projects that are similar or the same as previous Projects will need to demonstrate a high level of innovation, alignment with Fund objectives and public benefit to score highly.

### Contact EECA if you have any questions before submitting

We strongly encourage potential Applicants to talk to us if you have questions or ideas to discuss.

If you'd like feedback about whether your Project idea is within the Fund's scope, please email [LETFund@eeca.govt.nz](mailto:LETFund@eeca.govt.nz)

### 3.1 Assessment process

The approach for allocating funding is a one-stage contestable process. All eligible and complete Proposals, regardless of how much co-funding they're seeking, will go through the same assessment process.

The indicative assessment process and timing is shown below.

Date	Action
By 12pm, 9 September 2024	Applicants submit Proposals in response to this RFP.
Automated confirmation when submitted	EECA email confirming receipt of a Proposal.
From late October 2024	Assessment Panel makes recommendations to the EECA Delegated Authority, who makes funding decisions.
From late November 2024	Applicants are notified of funding decisions. Note — results are embargoed until the official Government announcement.

### 3.2 Assessment Panel members

The Assessment Panel is made up of the Chair (appointed within EECA) and up to three additional EECA staff members. It may include external members as required at EECA's discretion. The Assessment Panel requires a quorum of **at least 3 voting members** to make its recommendations.

The proposed makeup of the Panel is as follows.

Role	Voting	Member
Chair of evaluation panel	✓	1 EECA internal appointment
Business group	✓	1 EECA business subject matter expert
Technical experts	✓	2 EECA or external technical subject matter experts
Panel Administration	x	1 EECA internal appointment

### Panellists will follow Conflict of Interest and commercial sensitivity processes

Panellists will sign a Conflict of Interest declaration when they are appointed. Before receiving the eligible applications, they will confirm that declaration and their agreement to the process for managing 'commercial in confidence' information (see Section 7.4).

### 3.3 Minimum eligibility conditions

Each Applicant and Project must meet all of the following eligibility conditions before their Proposal can be assessed by our Assessment Panel. Applications that do not meet these conditions will be eliminated from further consideration.

#	Minimum eligibility conditions
A.	The Applicant is an eligible entity. Eligible entities include any New Zealand-based and New Zealand-registered legal entities, except Public Service Departments, Non-Public Service Departments (such as the New Zealand Defence Force), and Statutory Crown Entities.
B.	The Project will be delivered in New Zealand. Note — the Project may utilise overseas suppliers but the resulting Project delivery and outcomes must be New Zealand based.
C.	The Project must reduce transport emissions, either directly or indirectly.
D.	The Project must not use elements or technology that is not legally approved for use.
E.	The Project must deliver in the transport sector.
F.	The Project must be in the areas noted in Section 2.4 of the RFP regarding eligibility.
G.	The Applicant must have necessary internal and third-party approvals and any budgets required to undertake the Project (subject to LETF funding) in place within one month of approval (or as agreed with EECA). This is a precondition for both Parties to complete the Funding Agreement (see Section 6).
H.	The Project must rely on commercially available and proven technologies (those that are not commercially available such as R&D are excluded). Some level of development may be acceptable where Projects involve a live pilot and result in a commercially available solution.
I.	Applicants must be committed to working safely and ensuring the health and safety of workers and others affected by the Project work. Projects must include appropriate systems and processes to undertake the work safely.



**# Minimum eligibility conditions**

- J. Applicants must commit to providing knowledge, reporting and data deliverables (as requested or required by EECA) for sharing with EECA (and relevant Government agencies) and the wider market (following confidentiality rules).

---

- K. Applicants must commit to using EECA or GenLess branding in any marketing or public Project material.

---

- L. Applicants must commit to working in a manner that will not damage EECA's reputation.

---

- M. The RFP Response Form must be completed in full.

---

- N. The Project must deliver solutions meeting current New Zealand regulations, guidelines and legislation. This includes (where applicable) WorkSafe guidelines and NZ Transport Agency Waka Kotah regulations and vehicle compliance. Projects that include EV chargers must also follow EECA's Publicly Available Specifications (PAS) Guidelines on commercial and residential charging.

---

- O. The co-funding requested must only be for the additional or incremental cost of the Project, relative to business-as-usual (see Section 2.5).

---

- P. The Project must be supported by a feasibility study or business case outlining why your proposed solution is the best approach.

---

- Q. Project delivery must be supported by a comprehensive Project plan with acceptable milestones and achievable timelines which meet the Fund's objectives.

---

- R. Applications must include suitably assessed Project costs, including supplier estimates for primary Project components.

---

- S. Applications must be clear about the ownership of any assets purchased through the Fund.

---

- T. Projects involving vehicle chargers are expected to use smart chargers.

---

- U. The Project must deliver realisable data and knowledge within a reasonable timeframe appropriate to the technology or target market of the Project. This is further specified in Section 2.3 of the RFP.

---

### 3.4 Broader Outcomes

We will evaluate Proposals which promote Broader Outcomes. These may be social, environmental, cultural or economic. It is expected that Applicant will help meet the Government's Broader Outcomes. You can find further information online at [www.procurement.govt.nz/broader-outcomes](http://www.procurement.govt.nz/broader-outcomes)

### 3.5 Evaluation criteria

Proposals which meet all minimum eligibility conditions will be assessed on their merits by the Assessment Panel according to the assessment criteria and using the weightings on the table below.

Applicants may provide supporting evidence to back up their responses to the RFP Response Form. These materials will form part of the Applicant's Proposal.

Criteria	Weighting
<p><b>A. Fit with the Investment Activity</b></p> <ul style="list-style-type: none"> <li>How does your Project fit the Investment Activity for this round?</li> <li>Describe your Project for this RFP.</li> <li>Describe what this Project will test that could assist others to replicate this Project.</li> <li>What key components or aspects do you consider vital for the success of the Project? Why are the costs appropriate, what other options were considered, what trade-offs have you considered?</li> <li>Detail Project partners and their roles/contributions to the Project.</li> </ul>	20%
<p><b>B. Fit with Investment Principles</b></p> <ul style="list-style-type: none"> <li>How well does your Project meet the Investment Principles for this Round?</li> <li>Please consider the additional questions listed in Section 2.2.</li> </ul>	40%
<p><b>C. Ability to Deliver</b></p> <ul style="list-style-type: none"> <li>To what extent do you have the expertise, resources, relationships and commitment necessary to deliver the initiative?</li> <li>What is your track record of delivering comparable Projects?</li> <li>Have you identified Project risks and barriers to success and how they will be addressed? e.g. supply of vehicles and components.</li> <li>How quickly can the Project be delivered?</li> <li>Have you sought confirmation and/or approvals from all relevant parties to the Project, e.g. pilot customers, WorkSafe?</li> </ul>	20%
<p><b>D. Value for Money</b></p> <ul style="list-style-type: none"> <li>How important is the Fund to supporting the delivery, scale, or speed with which these public benefits will be realised?</li> <li>EECA will work to ensure that the fund is only used to enable Projects, and not subsidise Projects that would happen without funding. Can you confirm your Project would not proceed without co-funding? Otherwise, explain how co-funding would accelerate the timeframe of the Project.</li> <li>What can be achieved without funding?</li> <li>Will the Project run over multiple years or within a shorter period? When will the Project deliver the benefits promised in the Proposal?</li> </ul>	20%
<b>Total weightings</b>	<b>100%</b>

\* Any additional considerations are detailed in the specific Investment Principles, see Section 2.2.

In addition to public benefits, EECA understands Projects may provide private benefits (e.g. reduced costs and marketing opportunities). These private benefits are the reason for the private co-funding requirement and motivate many Applicants to participate. However, they cannot be used to justify public funding.

### 3.6 Scoring scale

The Assessment Panel will use the following scoring scale when assessing Proposals.

Rating	Definition	Score
EXCELLENT	Exceeds the expectations. Exceptional demonstration by the Applicant of the relevant ability, understanding, experience, skills, and resource and quality measures required to deliver the Project. Response identifies factors that will offer potential added value, with supporting evidence.	9-10
GOOD	Satisfies the expectations with minor additional benefits. Above average demonstration by the Applicant of the relevant ability, understanding, experience, skills, resource and quality measures required to deliver the Project. Response identifies factors that will offer potential added value, with supporting evidence.	7-8
ACCEPTABLE	Satisfies the expectations. Demonstration by the Applicant of the relevant ability, understanding, experience, skills, resources and quality measures required to deliver the Project, with supporting evidence.	5-6
MINOR RESERVATIONS	Satisfies the expectations with minor reservations. Some minor reservations about the Applicant's relevant ability, understanding, experience, skills, resources and quality measures required to deliver the Project, with little or no supporting evidence.	3-4
SERIOUS RESERVATIONS	Satisfies the expectations with major reservations. Considerable reservations about the Applicant's relevant ability, understanding, experience, skills, resources and quality measures required to deliver the Project, with little or no supporting evidence.	1-2
UNACCEPTABLE	Does not meet the expectations. Does not comply and/or insufficient information provided to demonstrate that the Applicant has the ability, understanding, experience, skills, resources and quality measures required to deliver the Project, with little or no supporting evidence.	0

### 3.7 Due diligence checks the Assessment Panel may undertake

In addition to the above assessment, EECA or the Assessment Panel may undertake due diligence checks in relation to any Proposal. These may include:

- reference-checking the Applicant organisation(s) and named personnel
- requesting clarification of aspects of the Proposal
- requesting confirmation of delivery timelines and co-funding commitments
- interviewing Applicants
- requesting business cases or feasibility studies to support the Proposal
- engaging with other relevant Government Agencies on aspects of the Proposal

- conducting internal or external due diligence checks.

Applicants should respond to any of the above requests in a timely manner. The Panel will consider the findings in its assessment process.

### **3.8 Decision-making**

The Assessment Panel will make funding recommendations to the EECA Delegated Authority (DA), who has the sole discretion to determine which Projects (if any) will receive LETF funding, and the value of any funding (see Section 5.8).

## SECTION 4: Funding Information

Applicants must provide details of the funding they are seeking as part of their Proposal.

This section sets out the funding information Applicants must provide with their Proposal. Refer to Section 2.2 for a reminder of the Investment Principles that will guide LETF assessment and funding decisions.

### 4.1 Funding information provided by Applicants

In submitting their funding request, Applicants must meet the following requirements.

1. Applicants must use the funding schedule template provided in the Response Form.
2. The funding schedule must break down all costs, fees, expenses and charges associated with the full delivery of the proposed Project over its entire term.
3. If the funding sought, or part of the funding sought, is based on fee rates, all rates are to be specified — either hourly or daily, or both as required.
4. If the Project is an extension of what would have been a business-as-usual activity, the Applicant must specify all Project components and costs above and beyond the business-as-usual activity.
5. The Applicant must provide evidence of all internal, Board or other approvals for the Project, as well as any required budgets, or must provide assurance that these will be provided before the Project begins.
6. The Applicant must provide evidence of approvals and permissions from entities that will influence the outcomes of the Project (e.g. landowners, Councils and Regulators). Where approvals and permissions are not provided, Applicants must acknowledge potential delays or risks.
7. In preparing their Proposal, the Applicant is to consider all risks, contingencies and other circumstances affecting Project delivery. Their Proposal and funding information must provide adequately for managing those risks and contingencies.
8. The Applicant must document in their Proposal all assumptions and qualifications they have made about delivering the Project, including in the funding information. The Proposal must specify if the Applicant expects EECA or a third-party to incur any cost related to delivering the Project, with that cost estimated if possible.
9. Costs should be submitted in New Zealand dollars and not include GST.
10. Where two or more entities cooperate to develop a Proposal, the funding schedule must include all costs, fees, expenses and charges chargeable by all entities. Note — one entity must be assigned as the lead Applicant, and the Funding Agreement will be with that lead Applicant.



## SECTION 5: The RFP Process

This section sets out the different stages of the RFP process, and some of the terms and conditions that apply throughout. Read it to understand the full process and your responsibilities as an Applicant.

### 5.1 Requirements for preparing a Proposal

Applicants are to use the Response Form provided and include all information EECA requests.

By submitting a Proposal, the Applicant accepts that they are bound by the RFP Terms in Section 7.

To prepare their Proposal, each Applicant should:

1. follow the funding information requirements set out in Section 4.1
2. read this RFP, any documents referenced in the RFP and any other information EECA provides
3. if appropriate, obtain independent advice before submitting a Proposal
4. ensure they are comfortable that their Proposal is correct and sufficient, including the proposed pricing, sustainability of the pricing and expected delivery dates.

### 5.2 A six-month Proposal Validity Period applies

Proposals are to remain valid and open for acceptance by EECA for the six-month Proposal Validity Period.

### 5.3 Applicants may request clarification before the Deadline for Questions

Each Applicant should be confident in their interpretation of the RFP. If the RFP has any perceived ambiguity or uncertainty, Applicants should seek clarification from EECA before the Deadline for Questions.

All requests for clarification must be made by email to EECA's Point of Contact. EECA will endeavour to respond to requests in a timely manner, according to the schedule in Section 1.2.

#### **EECA may provide an update to all Applicants if we find it necessary**

If EECA considers an Applicant's question to be important to all Applicants, we may provide the question and answer to other potential Applicants. In doing so, we may summarise the question and will not disclose the Applicant's identity. The question and answer will be posted on the EECA website. An Applicant may withdraw a request for clarification at any time.

When submitting a request for clarification, Applicants should indicate any information that is commercially sensitive. EECA will not publish such commercially sensitive information. However, we may modify an Applicant's question to remove commercially sensitive information and publish it with the answer if it is of general significance to all Applicants. If this happens, however, the Applicant will be given an opportunity to withdraw the request or remove the commercially sensitive information before it is published.

### 5.4 Applicant responsibilities when submitting a Proposal

Each Applicant is responsible for ensuring that their Proposal is received by EECA at the correct email address according to Section 1.6. EECA will confirm when we have received each Proposal.

EECA intends to rely on the Applicant's Proposal and all information they have provided (e.g. correspondence and negotiations). In submitting a Proposal and communicating with EECA, each Applicant should check that all information they provide:

- is true, accurate and complete, and not misleading in any material respect
- does not contain Intellectual Property that will breach a third party's rights.

We may invite Applicants to correct any minor errors or omissions in their Proposals during our administrative review and eligibility check process. Following this step, any Proposal not meeting all the minimum eligibility conditions specified in Section 3.3 will be disqualified from the remainder of the process.

## **5.5 EECA will convene an Assessment Panel**

EECA will create an Assessment Panel comprising members chosen for their relevant expertise and experience. EECA may also invite independent advisors to assist in the assessment of any Proposal, or any aspect of any Proposal.

## **5.6 Applicants allow the panel to collect third party information**

Each Applicant authorises EECA to collect additional information from any relevant third party (such as a referee or a previous or existing client) and to use that information to assess their Proposal. Each Applicant must ensure that any referees listed in support of their Proposal agree to provide a reference.

To facilitate discussions between EECA and third parties, each Applicant waives any confidentiality obligations that would otherwise apply to information held by a third party (except for commercially sensitive pricing information).

## **5.7 The Panel may seek clarification from an Applicant about their Proposal**

At any time during the assessment process, EECA or the Assessment Panel may request clarification from any Applicant about their Proposal, or additional information about any aspect of their Proposal. EECA is not required to request the same clarification or information from each Applicant.

The Applicant must provide the clarification or additional information in the format requested, and in a timely manner.

If an Applicant does not respond adequately or within a reasonable timeframe, the Assessment Panel may cease assessing their Proposal, and EECA may eliminate it from the RFP process.

## **5.8 After assessment, the Panel makes recommendations to a decision-making Delegated Authority**

The Assessment Panel will assess the Proposals submitted in response to this RFP using the evaluation approach set out in Section 3.

The Assessment Panel will use the results of its assessment to decide which Applicants to recommend funding. They may also consider any of the following additional information:

- the results from reference checks and any other due diligence
- any matter that materially impacts EECA's trust and confidence in the Applicant
- any other relevant information that EECA may have.

## **The Panel's recommendations go to the Delegated Authority for a final decision**

The Assessment Panel will make funding recommendations for selected Projects to the EECA Delegated Authority (DA).

The DA is the decision-maker for LETF funding. They have the sole discretion to determine which Projects (if any) will receive LETF funding, and the value of any funding.

The DA will consider the recommendations from the Assessment Panel, and the Panel's advice on any risks, issues or concerns. The DA may also impose any additional conditions they see fit before approving funding.

## **Successful Projects are embargoed until announced by the Government**

If the DA approves funding for a Project, they will make a contingent decision which will be communicated to the Successful Applicants. Results are embargoed until the Government announces them.

## **Unsuccessful Applicants can receive a debrief on their Proposal**

If the DA declines funding, EECA will inform the Applicant. All Applicants will be able to request a debrief (described in Section 5.11, below). This completes the process.

Unsuccessful Applicants may reapply in future rounds, taking into consideration any feedback provided.

## **5.9 EECA will enter negotiations with Successful Applicants**

EECA will invite Successful Applicants to negotiate funding, with the aim of entering into a Funding Agreement. If the outcome of negotiation is unsatisfactory or takes unreasonably long, EECA may end the process.

Each Applicant agrees that any legally binding Funding Agreement will be essentially in the form set out in the Proposed Funding Agreement (see Section 6).

## **5.10 Unsuccessful Applicants will be notified within 30 Business Days**

At any point, but no later than 30 Business Days after the DA has made decisions on which Proposals will be offered funding, EECA will inform all unsuccessful Applicants of the outcome regarding their Proposal.

## **5.11 Applicants can receive a debrief on their Proposal from EECA**

All Applicants can request a debrief within 30 Business Days from when they received the outcome of their Proposal. EECA will then have 30 Business Days from the request to provide the debrief. The debrief may be provided by letter, email, phone or at a meeting.

The debrief will:

- provide the reasons why the Proposal was successful or unsuccessful
- explain how the Proposal performed against the minimum eligibility conditions and assessment criteria
- describe the Proposal's relative strengths and weaknesses
- explain, in general terms, the relative advantages of the successful Proposal or Proposals
- seek to address any concerns or questions from the Applicant
- seek feedback from the Applicant on the RFP and the RFP process.

## 5.12 EECA will publish decisions

EECA will publish all LETF funding decisions, including:

- who the Recipients are
- the amounts of funding provided
- a brief description of each successful Project.

EECA will do this after either approving funding or completing a Funding Agreement. We'll agree the content and method of publication with each Recipient. This will typically include a media announcement.

## 5.13 Applicants can raise issues and complaints at any time

An Applicant may, in good faith, raise any issue or complaint about the RFP or RFP process with EECA at any time. EECA will consider the complaint or issue and respond promptly and impartially.

Both EECA and the Applicant agree to act in good faith and use their best endeavours to resolve any issue or complaint that may arise in relation to the RFP.

An Applicant raising an issue or complaint will not unfairly prejudice their ongoing participation in the RFP process or any future funding rounds.

## SECTION 6: Our Proposed Funding Agreement

This section outlines the terms and conditions relating to our Proposed Funding Agreement.

### 6.1 Our Proposed Funding Agreement is on the EECA website

The Proposed Funding Agreement that EECA intends to use is on the EECA website, along with the other RFP documents.

### 6.2 EECA and each Successful Applicant will enter a Funding Agreement

Once a Proposal has been approved for funding, and subject to Section 5.9 of this RFP, EECA and the Successful Applicant will enter into a Funding Agreement that commits the Recipient to implement the Project.

The Funding Agreement will detail the Recipient's obligations for the duration of the Project. These obligations must be met to receive funding from the LETF.

A Recipient cannot change the Project scope once we have approved it for funding. Once the Project begins, Recipients can make minor changes to milestone dates with EECA's agreement, to be managed through a Funding Agreement variation.

All Funding Agreements will include EECA's standard terms and conditions (see the Proposed Funding Agreement on our website), and details of the individual Project being funded. These details may include:

- any conditions that must be met, as required by EECA
- the total funding package (funds supplied by both the Applicant and the LETF)
- Project tasks, targets and measures (milestones)
- payment terms
- reporting requirements
- the duration and term of the Funding Agreement.

### 6.3 Applicants should review the terms and conditions before applying

Before submitting a Proposal, Applicants should review and understand the terms and conditions set out in the Proposed Funding Agreement. Applicants need to indicate in their Proposals any standard terms and conditions that they wish to discuss and negotiate further if their Proposal is successful.

This is especially important if you intend to transfer ownership of any of the assets purchased or created during the Project.

### 6.4 Successful Applicants have 30 days to sign their Funding Agreement

EECA expects all Successful Applicants to sign their Funding Agreements within 30 days of being offered the funding. The funding offer will lapse after that period.

### 6.5 Funding payments will be made at agreed Project milestones

EECA will pay funding to Recipients upon the completion of agreed milestones using claims from the Recipient and buyer-created invoices we issue.



## **6.6 Monitoring – Reporting, record-keeping and auditing**

EECA will monitor each Recipient's Project progress and their use of LETF funds. We may do so with the assistance of any other person we choose, at our discretion and expense.

Recipients will be required to provide regular progress reports to EECA. The Funding Agreement may specify additional reporting requirements.

Recipients should also be aware that EECA may audit their records relevant to the Funding Agreement at any time, as per the standard terms and conditions of the Funding Agreement.

## SECTION 7: RFP Terms

### Note to applicants

- In managing the Fund, EECA will endeavour to act fairly and reasonably in all of its dealings with interested Applicants, and to follow due process which is open and transparent.
- This section contains our RFP Process, Terms and Conditions ('RFP Terms') which apply to the Fund. Check to see if any changes have been made for this RFP, as outlined in Section 2.6.
- Words and phrases that have a special meaning are shown by the use of capitals. A glossary of terms is included in Section 8.

If you have any questions about the RFP Terms, please email our Point of Contact.

### 7.1 Preparing a Proposal

- Applicants are to use the Response Form provided and include all information requested by EECA in relation to the RFP.
- By submitting a Proposal the Applicant accepts that it is bound by these RFP Terms.
- Each Applicant will:
  - examine the RFP and any documents referenced in the RFP and any other information provided by EECA;
  - consider all risks, contingencies and other circumstances relating to the delivery of its Project and include adequate provision in its Proposal to manage such risks and contingencies;
  - document in its Proposal all assumptions and qualifications made about the delivery of the Proposed Project, including any assumption that EECA or a third party will deliver any aspect of the Proposed Project or incur any cost related to the delivery of the Proposed Project;
  - ensure that pricing information is quoted in New Zealand dollar, exclusive of GST;
  - if appropriate, obtain independent advice before submitting a Proposal;
  - satisfy itself as to the correctness and sufficiency of its Proposal, including the proposed pricing and the sustainability of the pricing, and expected delivery dates..

### 7.2 Proposal Validity Period

Proposals are to remain valid and open for acceptance by EECA for the Proposal Validity Period.

### 7.3 Applicants' Deadline for Questions

Each Applicant should satisfy itself as to the interpretation of the RFP. If there is any perceived ambiguity or uncertainty in the RFP, Applicants should seek clarification before the Deadline for Questions.

All requests for clarification must be made by email to EECA's Point of Contact. EECA will endeavour to respond to requests in a timely manner, according to the schedule in Section 2.2.

If EECA considers a request to be of sufficient importance to all Applicants it may provide details of the question and answer to other potential Applicants. In doing so EECA may summarise the question and will not disclose the Applicant's identity. The question and answer will be posted on the EECA website. An Applicant may withdraw a request at any time.

In submitting a request for clarification an Applicant is to indicate, in its request, any information that is commercially sensitive. EECA will not publish such commercially sensitive information. However, EECA may modify a request to eliminate such commercially sensitive information, and publish this and the answer where EECA considers it of general significance to all Applicants. In this case, however, the Applicant will be given an opportunity to withdraw the request or remove the commercially sensitive information.

## 7.4 Submitting a Proposal

Each Applicant is responsible for ensuring that its Proposal is received by EECA at the correct email address according to Section 2.3. EECA will acknowledge receipt of each Proposal.

EECA intends to rely on the Applicant's Proposal and all information provided by the Applicant (e.g. correspondence and negotiations). In submitting a Proposal and communicating with EECA each Applicant should check that all information it provides to EECA:

- is true, accurate and complete, and not misleading in any material respect; and
- does not contain Intellectual Property that will breach a third party's rights.

EECA may invite Applicants to rectify any minor errors or omissions in their Proposals according to the schedule in Section 2.2 during EECA's administrative review and eligibility check process. Otherwise, any Proposal not meeting all the minimum eligibility conditions specified in Section 3.3 will be disqualified from the remainder of the process.

## Assessing Proposals

### 7.5 Assessment Panel

EECA will convene an Assessment Panel comprising members chosen for their relevant expertise and experience. In addition, EECA may invite independent advisors to assist in the assessment of any Proposal, or any aspect of any Proposal.

### 7.6 Third party information

Each Applicant authorises EECA to collect additional information from any relevant third party (such as a referee or a previous or existing client) and to use that information as part of its assessment of the Applicant's Proposal.

Each Applicant is to ensure that all referees listed in support of its Proposal (if provided) agree to provide a reference.

To facilitate discussions between EECA and third parties each Applicant waives any confidentiality obligations that would otherwise apply to information held by a third party, with the exception of commercially sensitive pricing information.

### 7.7 Proposal clarification

EECA, or the Assessment Panel, may at any time request from any Applicant clarification of its Proposal as well as additional information about any aspect of its Proposal. EECA is not required to request the same clarification or information from each Applicant.

The Applicant must provide the clarification or additional information in the format requested. Applicants will endeavour to respond to requests in a timely manner. The Assessment Panel may take such clarification or additional information into account in assessing the Proposal.

Where an Applicant fails to respond adequately or within a reasonable time to a request for clarification or additional information, the Assessment Panel may cease assessing the Applicant's Proposal and EECA may eliminate the Proposal from the RFP process.

## 7.8 Assessment and decision-making

The Assessment Panel will base its assessment on the Proposals submitted in response to the RFP. The Assessment Panel may adjust its assessment of a Proposal following consideration of any clarification or additional information as described in Sections 7.6 and 7.7.

In deciding which Applicants to recommend funding for, the Assessment Panel will take into account the results of the assessment. The Assessment Panel may also take into account any of the following additional information:

- the results from reference checks and any other due diligence;
- any matter that materially impacts on EECA's trust and confidence in the Applicant;
- any other relevant information that EECA may have in its possession.

The Assessment Panel will make recommendations for funding of selected Projects to the EECA delegated Authority (DA). The DA has the sole discretion to determine which Projects (if any) will receive funding from the Fund, and the value of any funding. The DA will take into account the recommendations from the Assessment Panel, as well as advice on any risks, issues or concerns which arise from the recommendations of the Assessment Panel. The DA may also impose any additional conditions it sees fit, prior to funding being approved.

If the DA declines funding, the Applicants will be informed and may be offered a debrief, then the process is complete.

If the DA decides to approve funding, they will make a contingent decision which will be communicated to the Successful Applicants.

## 7.9 Negotiations

EECA will invite a Successful Applicant to enter into negotiations with a view to entering into a Funding Agreement. Where the outcome is unsatisfactory or unreasonably stalled EECA may discontinue the negotiations.

Each Applicant agrees that any legally binding Funding Agreement entered into between the Successful Applicant and EECA will be essentially in the form set out in the Proposed Funding Agreement, which is part of the RFP documentation.

## 7.10 Applicant's debrief

All Applicants will be able to request and be provided with a debrief. Each Applicant will have 30 Business Days, from the date of when they were notified of the outcome of their Proposal, to request a debrief. When an Applicant requests a debrief, EECA will provide the debrief within 30 Business Days of the date of the request.

The debrief may be provided by letter, email, phone or at a meeting. The debrief will:

- provide the reasons why the Proposal was or was not successful;
- explain how the Proposal performed against the minimum eligibility conditions and the assessment criteria;

- indicate the Proposal's relative strengths and weaknesses;
- explain, in general terms, the relative advantage/s of the successful Proposal/s;
- seek to address any concerns or questions from the Applicant;
- seek feedback from the Applicant on the RFP and the RFP process.

### **7.11 Notification of outcome**

At any point, but no later than 30 Business Days after the DA has made decisions on which Proposals will be offered funding, EECA will inform all unsuccessful Applicants of the outcome regarding their Proposal.

### **7.12 Issues and complaints**

An Applicant may, in good faith, raise with EECA any issue or complaint about the RFP, or the RFP process at any time.

EECA will consider and respond promptly and impartially to the Applicant's issue or complaint.

Both EECA and the Applicant agree to act in good faith and use their best endeavours to resolve any issue or complaint that may arise in relation to the RFP.

The fact that an Applicant has raised an issue or complaint will not be used by EECA to unfairly prejudice the Applicant's ongoing participation in the RFP process, or in any future funding rounds.

### **Standard RFP conditions**

#### **7.13 EECA's Point of Contact**

All enquiries regarding the RFP must be directed by email to EECA's Point of Contact. Applicants must not directly or indirectly approach any representative of EECA, or any other person, to solicit information concerning any aspect of the RFP.

Only the Point of Contact, and any authorised person of EECA, are authorised to communicate with Applicants regarding any aspect of the RFP. EECA will not be bound by any statement made by any other person.

EECA may change the Point of Contact at any time. EECA will notify any such change by posting a notice on its website.

Where an Applicant has an existing Funding Agreement with EECA then business-as-usual communications, for the purpose of managing delivery of that Funding Agreement, will continue using the usual contacts. Applicants must not use business-as-usual contacts to lobby EECA, solicit information or discuss aspects of the RFP.

#### **7.14 Conflict of Interest**

Each Applicant must complete the Conflict of Interest declaration in the Response Form and must immediately inform EECA should a Conflict of Interest arise during the RFP process. A material Conflict of Interest may result in the Applicant being disqualified from participating further in the RFP.

## 7.15 Ethics

Applicants must not attempt to influence or provide any form of personal inducement, reward or benefit to any representative of EECA or the Assessment Panel in relation to the RFP.

An Applicant who attempts to do anything prohibited by Sections 7.15 and 7.16 may be disqualified from participating further in the RFP process.

EECA reserves the right to require additional declarations, or other evidence from an Applicant, or any other person, throughout the RFP process to ensure probity of the RFP process.

## 7.16 Anti-collusion and bid rigging

Applicants 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 EECA. Such behaviour will result in the Applicant being disqualified from participating further in the RFP process.

EECA reserves the right, at its discretion, to report suspected collusive or anti-competitive conduct by Applicants to the appropriate authority and to give that authority all relevant information including any relevant Proposal.

## 7.17 Confidential information

EECA and the Applicant will each take reasonable steps to protect Confidential Information and, subject to Section 7.17 and without limiting any confidentiality undertaking agreed between them, will not disclose Confidential Information to a third party without the other's prior written consent.

The Applicant acknowledges that EECA may disclose Confidential Information to any person who is directly involved in the RFP process on its behalf, such as officers, employees, consultants, contractors, professional advisors, Assessment Panel members, partners, principals or directors, for the purpose of measuring the effectiveness of the Fund.

Applicants acknowledge that EECA's obligations under Section 7.17 are subject to requirements imposed by the Official Information Act 1982 (OIA), the Privacy Act 1993, parliamentary and constitutional convention and any other obligations imposed by law. EECA will not be in breach of its obligations if Confidential Information is disclosed by EECA to the appropriate authority because of suspected collusive behaviour. Where EECA receives an OIA request that relates to an Applicant's Confidential Information EECA will consult with the Applicant and may ask the Applicant to explain why the information is considered by the Applicant to be confidential or commercially sensitive.

## 7.18 Confidentiality of RFP information

For the duration of the RFP, to the date of the announcement of the Successful Applicant(s), or the end of the RFP process, the Applicant agrees to keep the RFP strictly confidential and not make any public statement to any third party in relation to any aspect of the RFP, the RFP process or the award of any Funding Agreement without EECA's prior written consent.

An Applicant may disclose RFP information but only for the purpose of participating in the RFP. The Applicant must take reasonable steps to ensure that such recipients do not disclose Confidential Information to any other person or use Confidential Information for any purpose other than responding to the RFP.

## 7.19 Costs of participating in the RFP process

Each Applicant will meet its own costs associated with the preparation and presentation of its Proposal and any negotiations.

## 7.20 Ownership of documents

The RFP and its contents remain the property of EECA. All Intellectual Property rights in the RFP remain the property of EECA or its licensors. EECA may request the immediate return or destruction of any or all RFP documents and any copies. Applicants must comply with any such request in a timely manner.

All documents forming the Proposal will, when delivered to EECA, become the property of EECA. Proposals will not be returned to Applicants at the end of the RFP process.

Ownership of Intellectual Property rights in the Proposal remain the property of the Applicant or its licensors. However, the Applicant grants to EECA a non-exclusive, non-transferable, perpetual licence to retain, use, copy and disclose information contained in the Proposal for any purpose related to the RFP process.

## 7.21 No binding legal relations

Neither the RFP, nor the RFP process, creates a process contract or any legal relationship between EECA and any Applicant, except in respect of:

- the Applicant's declaration in its Proposal;
- the Proposal Validity Period;
- the Applicant's statements, representations and/or warranties in its Proposal and in its correspondence and negotiations with EECA;
- the Assessment approach to be used by EECA to assess Proposals as set out in Section 3 and in the RFP Terms (as varied by Section 1.8, if applicable);
- the standard RFP conditions set out in Sections 7.13 to 7.13;
- any other matters expressly described as binding obligations in Section 1.

Each exception in Section 7.9 is subject only to EECA's reserved rights in Section 7.26.

Except for the legal obligations set out in Section 7.21 no legal relationship is formed between EECA and any Applicant unless and until a Funding Agreement is entered into between those parties.

## 7.22 Elimination

EECA may exclude an Applicant from participating in the RFP if EECA has evidence of any of the following, and is considered by EECA to be material to the RFP:

- the Applicant has failed to provide all information requested, or in the correct format, or materially breached a term or condition of the RFP;
- the Proposal contains a material error, omission or inaccuracy;
- the Applicant is in bankruptcy, receivership or liquidation;
- the Applicant has made a false declaration;



- there is a serious performance issue in a historic or current Funding Agreement delivered by the Applicant;
- the Applicant has been convicted of a serious crime or offence;
- there is professional misconduct or an act or omission on the part of the Applicant which adversely reflects on the integrity of the Applicant;
- the Applicant has failed to pay taxes, duties or other levies;
- the Applicant represents a threat to national security or the confidentiality of sensitive Government information;
- the Applicant is a person or organisation designated as a terrorist by New Zealand Police.

### 7.23 EECA's additional rights

Despite any other provision in the RFP EECA may, on giving due notice to Applicants:

- amend, suspend, cancel and/or re-issue the RFP, or any part of the RFP;
- make any material change to the RFP on the condition that Applicants are given a reasonable time within which to respond to the change.

Despite any other provision in the RFP EECA may:

- accept a late Proposal if it is EECA's fault that it is received late;
- in exceptional circumstances, accept a late Proposal where it considers that there is no material prejudice to other Applicants. EECA will not accept a late Proposal if it considers that there is risk of collusion on the part of an Applicant;
- in exceptional circumstances, answer a question submitted after the Deadline for Questions;
- accept or reject any Proposal, or part of a Proposal;
- accept or reject any non-compliant, non-conforming or alternative Proposal;
- decide not to enter into a Funding Agreement with any Successful Applicant;
- liaise or negotiate with any Applicant without disclosing this to any other Applicant;
- provide or withhold from any Applicant information in relation to any question arising in relation to the RFP. Information will usually only be withheld if it is deemed unnecessary, is commercially sensitive to an Applicant, is inappropriate to supply at the time of the request or cannot be released for legal reasons;
- amend the Proposed Funding Agreement at any time, including during negotiations with an Applicant;
- waive irregularities or requirements in or during the RFP process where it considers it appropriate and reasonable to do so;
- decline to consider an Applicant's Proposal, if in EECA's opinion, awarding the funding to the Applicant may affect New Zealand's ability to comply with its international obligations including (and not limited to) treaties and international law.

EECA may request that an Applicant agrees to EECA:

- selecting any individual element/s of the Project that is offered in a Proposal and capable of being delivered separately, unless the Proposal specifically states that the Proposal, or elements of the Proposal, are to be taken collectively;

- selecting two or more Applicants to deliver a Project as a joint venture or consortium.

## 7.24 New Zealand law

The laws of New Zealand shall govern the RFP and each Applicant agrees to submit to the exclusive jurisdiction of the New Zealand courts in respect of any dispute concerning the RFP or the RFP process.

## 7.25 Disclaimer

EECA will not be liable in contract, tort, equity, or in any other way whatsoever for any direct or indirect damage, loss or cost any Applicant or any other person incurs in respect of the RFP process.

Nothing contained or implied in the RFP or RFP process, or any other communication by EECA to any Applicant, shall be construed as legal, financial or other advice. We have endeavoured to ensure the integrity of such information. However, it has not been independently verified, and may not be up to date.

To the extent that our liability cannot be excluded, the maximum aggregate liability of EECA, our agents and our advisors is \$1.

## 7.26 Precedence

Any conflict or inconsistency in the RFP shall be resolved by giving precedence in the following descending order:

- Section 1.8.
- Section 7 (RFP Terms).
- all other sections of this RFP document.
- any additional information or document provided by EECA to Applicants through EECA's Point of Contact.

If there is any conflict or inconsistency between information or documents having the same level of precedence, the later information or document will prevail.

## SECTION 8: Glossary

Term	Description
<b>Applicant</b>	The eligible legal entity (or group of entities) that has submitted or is in the process of submitting a Proposal to the LETF for one or more Projects.
<b>Assessment Panel (the Panel)</b>	An advisory panel, made up of people with relevant experience. The Panel assesses Proposals for LETF investment using the evaluation criteria and makes recommendations to the EECA Delegated Authority on which Proposals should receive funding.
<b>Business Day</b>	Any weekday in New Zealand, excluding New Zealand (national) public holidays and all days from Boxing Day up to and including the day after New Year's Day.
<b>Confidential Information</b>	Information that: <ul style="list-style-type: none"> <li>(a) is by its nature confidential <ol style="list-style-type: none"> <li>1. is marked by either EECA or an Applicant as 'confidential', 'commercially sensitive', 'sensitive', 'in confidence', 'top secret', 'secret', classified' or 'restricted'</li> </ol> </li> <li>(b) is provided by EECA, an Applicant, or a third party in confidence</li> <li>(c) EECA or an Applicant knows, or ought to know, is confidential.</li> </ul> Confidential information does not cover information that is in the public domain through no fault of either EECA or an Applicant.
<b>Conflict of Interest</b>	A Conflict of Interest arises if an Applicant's personal or business interests or obligations conflict, could conflict, or could be perceived to conflict with its obligations to EECA under the RFP. <p>It means that the Applicant's independence, objectivity or impartiality can be called into question. A Conflict of Interest may be:</p> <ul style="list-style-type: none"> <li>(a) actual — where the conflict currently exists</li> <li>(b) potential — where the conflict is about to happen or could happen</li> <li>(c) perceived — where other people may reasonably think that a person is compromised.</li> </ul>
<b>Delegated Authority (DA)</b>	The party within EECA's approval hierarchy with sole discretion to decide which Projects (if any) will receive funding (and the value of any funding) after receiving the Panel's recommendations.
<b>Funding Agreement</b>	The written agreement entered into by EECA and each Successful Applicant for the delivery of the Project(s).
<b>Group</b>	Individual entities consolidated at the controlling shareholder level, including foreign ownership.

Term	Description
<b>GST</b>	The goods and services tax payable in accordance with the New Zealand Goods and Services Tax Act 1985.
<b>Intellectual Property</b>	All intellectual property rights and interests, including copyright, trademarks, designs, patents and other proprietary rights, recognised or protected by law.
<b>ICE</b>	Internal combustion engine.
<b>LEV</b>	Low Emission Vehicles and related technologies that use our renewable electricity advantage to significantly reduce greenhouse gas emissions. LEVs include battery electric vehicles and hydrogen fuel cell vehicles (as long as the hydrogen fuel supply is produced using New Zealand's renewable energy advantage).
<b>Non-Public Service Departments</b>	As defined by the State Services Commission, see <a href="https://ssc.govt.nz/assets/A-Guide-to-New-Zealands-State-Sector-Agencies.pdf">https://ssc.govt.nz/assets/A-Guide-to-New-Zealands-State-Sector-Agencies.pdf</a>
<b>Point of Contact</b>	EECA and each Applicant are required to appoint a Point of Contact. This is the channel to be used for all communications during the RFP process. EECA's Point of Contact is identified in Section 1.3. The Applicant will identify a Point of Contact in their Proposal.
<b>Proposal</b>	The response an Applicant submits in reply to the RFP. It comprises the Response Form, financial and pricing information and all other information submitted by an Applicant.
<b>Project</b>	Any Project in an Applicant's Proposal to the Fund. This encompasses all activities, steps, tasks or elements for which an Applicant is seeking LETF funding.
<b>Proposal Validity Period</b>	The six-month period when a Proposal is held open by the Applicant for acceptance by EECA.
<b>Proposed Funding Agreement</b>	The Funding Agreement terms and conditions proposed by EECA for the delivery of the Project, as described or referred to in Section 6.
<b>Public Service Departments</b>	As defined by the State Services Commission, see <a href="https://ssc.govt.nz/assets/A-Guide-to-New-Zealands-State-Sector-Agencies.pdf">https://ssc.govt.nz/assets/A-Guide-to-New-Zealands-State-Sector-Agencies.pdf</a>
<b>Recipient</b>	A Successful Applicant who enters into a Funding Agreement with EECA to receive LETF co-funding.
<b>RFP</b>	Means the Request for Proposals. The RFP is made up of this RFP document, the Response Form, the Proposed Funding Agreement and any other information provided through EECA's Point of Contact or the EECA website.
<b>Response Form</b>	The form and declaration prescribed by EECA and used by the Applicant to respond to the RFP.

Term	Description
<b>Statutory Crown Entities</b>	As defined by the State Services Commission, see <a href="https://ssc.govt.nz/assets/A-Guide-to-New-Zealands-State-Sector-Agencies.pdf">https://ssc.govt.nz/assets/A-Guide-to-New-Zealands-State-Sector-Agencies.pdf</a>
<b>Successful Applicant</b>	An Applicant whose Proposal is determined by the EECA Delegated Authority to conditionally receive funding.