

Infrastructure Acceleration Fund

INVITATION for Expressions of Interest

EOI Invitation Released: 30 June 2021

Closing Date: 5:00pm 18 August 2021



Contents

THE OPPORTUNITY	3
SECTION 1: THE PROCESS	9
1.1 Timeline	9
1.2 EOI Stage	9
1.3 RFP Stage	10
1.4 Negotiation	12
1.5 Final funding decisions	13
1.6 Fast-track Proposals	13
1.7 Role of place based teams and inter-agencies	13
1.8 Decision making	15
1.9 Probity	15
SECTION 2: WHAT WE ARE LOOKING FOR	17
2.1 Eligibility Criteria – Eligible Applicants	17
2.2 Eligibility Criteria – Eligible Infrastructure Projects	18
2.3 Eligibility Criteria - Eligible Costs	18
2.4 Evaluation Criteria	19
2.5 Broader considerations	21
SECTION 3: EVALUATION APPROACH	23
3.1 Overview of the Evaluation Process	23
3.2 Mandatory Compliance	23
3.3 Evaluation of EOI Proposals	24
3.4 Decisions and notification to Applicants	24
SECTION 4: PREPARING A PROPOSAL	26
4.1 How to respond to this EOI Invitation	26
4.2 How to contact us	27
4.3 Changes to the EOI Invitation	27
SECTION 5: TERMS AND CONDITIONS	28
APPENDIX: GLOSSARY	34



THE OPPORTUNITY

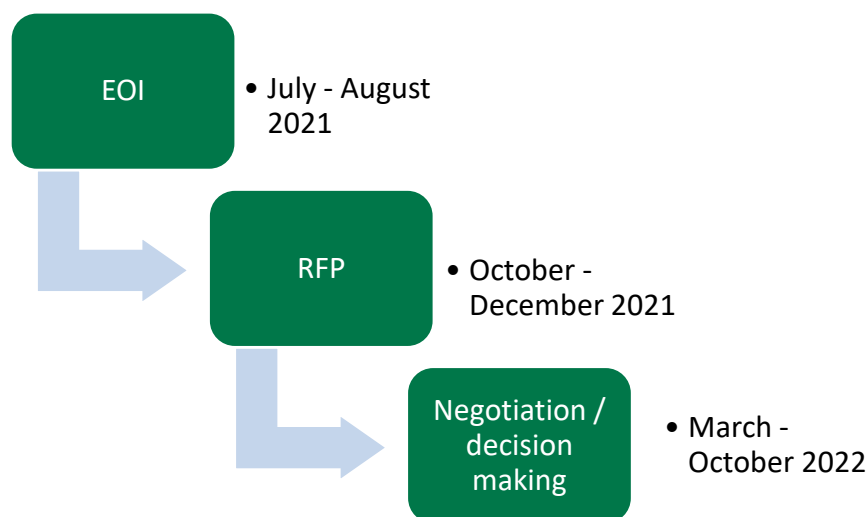
Introduction

The Housing Minister, Hon. Dr Megan Woods announced on 22 June 2021 that at least \$1 billion of grant funding is available under the Infrastructure Acceleration Fund (IAF). The Minister also provided information about the objectives, eligibility and evaluation criteria for the IAF.

The IAF is designed to allocate funding to new or upgraded infrastructure (such as transport, three waters and flood management infrastructure) that unlocks housing development in the short- to medium- term and enables a meaningful contribution to housing outcomes in areas of need.

Funding will typically be in the form of grant funding to the relevant Territorial Authority (or other vehicle), which will own and operate the infrastructure. As is ordinarily the case, developers and landowners are expected to contribute their fair share to the costs of the Eligible Infrastructure Projects, and Territorial Authority contributions are not to be displaced.

Kāinga Ora has been directed to administer the IAF and conduct a process designed to allocate funding to suitable Eligible Infrastructure Projects. This EOI Invitation has been issued by Kāinga Ora as the first Stage in that process: the EOI Stage. Applicants with successful EOIs will receive a Request for Proposals (RFP) seeking more detailed information on their Proposals. Applicants with successful Proposals at the RFP Stage will then be progressed to Negotiation prior to Ministers' final funding decisions.



Evaluation Criteria

Kāinga Ora is seeking Proposals that will contribute to housing outcomes, are highly likely to advance at pace, where IAF funding is critically required, and where other parties are prepared to contribute their fair share.

All Proposals will be assessed against the Evaluation Criteria. They are summarised as follows:

- (a) **Housing outcomes (40%):** *how will the Proposal, if delivered, contribute to the housing outcomes that are the purpose of the Infrastructure Acceleration Fund?*
- (b) **Impact of funding (20%):** *how critical is this funding to advancing the infrastructure and housing development?*
- (c) **Cost and co-funding (20%):** *how cost effective is the Proposal and is everyone paying their fair share?*
- (d) **Capability and readiness (20%):** *if funding is approved, how certain is it that the project will advance, and at what pace?*

The EOI Stage

All Territorial Authorities are eligible to apply for funding from the IAF by responding to this EOI Invitation.

Each Territorial Authority is invited to provide a separate EOI in relation to each specific housing development you wish to submit with high level information about the housing development, its associated infrastructure requirements, and responses to the Eligibility and Evaluation Criteria.

Territorial Authorities can choose to do this independently, however those in the main urban areas (which are covered by current or emerging Urban Growth Partnerships¹) are encouraged to work collectively with others in the region in preparing their EOIs given the collective approach that will be applied under the Programme Path at the RFP Stage.

Developers and Māori are also eligible to submit EOIs.² We expect developers and Māori would approach relevant Territorial Authorities to act as the lead Applicant in respect of their housing development, and at the very least enquire about whether their particular housing development is being submitted by their Territorial Authority prior to submitting an independent EOI.

¹ Urban growth partnerships | Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (hud.govt.nz).

² Māori Applicants should note the further guidance provided in section 2.1 in regards to preparing Proposals.



Applicants are expected to engage with relevant partners (e.g., developers, Waka Kotahi NZTA, Department of Internal Affairs) as necessary prior to submitting their EOI.

To apply, Applicants must submit their EOI using the EOI Response Form provided, and submit their completed Applicant Declaration by **5pm on 18 August 2021**.

Kāinga Ora will review the information provided in each EOI against the Eligibility Criteria (regarding Eligible Applicants, Eligible Infrastructure Projects and Eligible Costs) and conduct an evaluation of Proposals against the Evaluation Criteria.

Following the evaluation of Proposals, a Kāinga Ora Board Committee will determine which Proposals should proceed to the RFP Stage.

The RFP Stage

At the RFP Stage, Applicants will be required to submit more fulsome information about the Proposal to enable Kāinga Ora to conduct further evaluation and due diligence.

Proceeding to the RFP Stage should not be taken as an indication that IAF funding will be approved.

In recognition of the different complexities in delivering housing around the country, the RFP Stage will involve a two-path approach:

- (a) a Programme Path for Territorial Authorities within main urban areas (which are covered by current or emerging Urban Growth Partnerships); and
- (b) a Project Path for all other parts of New Zealand, and for all Proposals from developers and Māori (including those in current or emerging Urban Growth Partnership areas).

At the RFP Stage, Territorial Authorities in the Programme Path areas will be strongly encouraged to develop their Proposals collectively with other Territorial Authorities in their partnership region.

Proposals (under both Paths) will be evaluated by Kāinga Ora against the Evaluation Criteria set out in the RFP and due diligence will be undertaken.

A Kāinga Ora Board Committee will provide advice to the Minister of Finance and the Minister of Housing as to whether a Proposal should proceed to Negotiation. This advice is expected to be provided when the evaluation of Proposals during the RFP Stage is completed in early 2022.



Negotiation

Kāinga Ora will engage with Applicants whose Proposals proceed to Negotiation to seek to agree the terms of the:

- (a) Funding Agreement: regarding the terms of grant funding towards the Eligible Infrastructure Project(s), as between Kāinga Ora and the relevant Territorial Authority; and
- (b) Housing Outcome Agreement: regarding the commitments towards housing outcomes, as between all relevant parties to the housing development.

As and when Funding Agreements and Housing Outcome Agreements are concluded, a Kāinga Ora Board Committee will provide advice to Ministers and make its recommendations on which Proposals should receive funding from the IAF.

Decision making

A Kāinga Ora Board Committee will decide which Proposals advance to the RFP Stage. This Committee will also provide advice to Ministers on which Proposals should advance to Negotiation.

Following the negotiation of the Funding Agreement and Housing Outcome Agreement(s) for each Proposal, the Committee will provide advice to Ministers on which Proposals should receive funding from the IAF. An Inter-Agency Reference Group will provide input to that Committee at all Stages. Ministerial advice from the Kāinga Ora Board Committee will be based on:

- (a) the evaluation of Proposals against the Evaluation Criteria; and
- (b) any broader considerations, in particular those relating to the balance of the funding package as a whole.

Ministerial decisions in relation to the IAF will be made by the Minister of Finance and Minister of Housing.

In relation to any Proposal in which Kāinga Ora has a material interest, Ministers will receive advice from the Ministry of Housing and Urban Development and other government departments in relation to the investment decision.



Fast track

At any time following the EOI evaluation, Kāinga Ora may identify and progress a limited number of Proposals through the RFP Stage, Negotiation and final approval/ decision stages.

Funding

Cabinet has agreed that at least \$1 billion will be invested through the IAF. Any additional funding will be subject to further allocations from the \$3.8 billion Housing Acceleration Fund. Further allocations will be informed by the quality of proposals submitted to the IAF and the needs of other initiatives under the Housing Acceleration Fund.

Applicants should not assume their Proposal will be successful. They are encouraged to continue with work on their developments on the basis that their Proposal will not obtain IAF funding. This applies throughout the IAF process.

Kāinga Ora appreciates that many Applicants are already engaging with other Crown agencies in relation to infrastructure projects, some of which could also be covered by the IAF (e.g. Department of Internal Affairs in relation to three waters and Crown Infrastructure Partners in relation to infrastructure funding and financing). Applicants should continue with these engagements. Applicants must disclose concurrent applications for funding in their EOI.

General

This EOI Invitation is the first Stage in a competitive funding allocation process. It is not part of any procurement process. However, principles of probity will be adhered to in administering the IAF.

Applicants should identify any information that they consider to be confidential. Kāinga Ora will respect that position and not use that information other than for the purpose of the IAF. Applicants should, however, note that if Kāinga Ora was already aware of the information, or it is already in the public domain, it will not be considered to be confidential information.

If Kāinga Ora wishes to use information provided by Applicants for purposes other than the IAF, prior consent will be sought.

Applicants should also note that information provided in Proposals may be disclosed to other government officials (including officials from the Ministry of Housing and Urban Development, Treasury, Waka Kotahi NZTA, Ministry of Transport, Department of Internal Affairs, Crown Infrastructure Partners, and the Infrastructure Commission) and Ministers of



the Crown and/or Cabinet for purposes relating to this EOI or each of their roles and activities in advancing the objectives of the IAF.

Kāinga Ora is not permitted to apply for funds under the IAF. Where Kāinga Ora has a material interest in any Proposal being evaluated under the IAF, measures will be established to ensure that the Proposal is considered on an impartial and consistent basis, as well as second opinion advice being provided to Ministers, as referred to above.

Words and phrases that have a special meaning are shown by the use of capitals. Definitions are set out in the **Appendix**.

This EOI Invitation is subject to the Terms and Conditions described in section 5.



SECTION 1: THE PROCESS

1.1 Timeline

Steps and indicative key dates in the IAF process are summarised in the table below. Key dates are subject to change and Applicants will be notified of any changes.

Step in the IAF process	Date
EOI Invitation release	30 June 2021
Closing date for EOIs	5:00pm 18 August 2021
Applicants notified of outcome (with invitation to RFP Stage and RFP document provided for successful Proposals)*	15 October 2021
Debriefs to unsuccessful Applicants (as requested)	Following 15 October 2021
Closing date for RFP Proposals	Late December 2021
Evaluation and due diligence of RFP Proposals*	Early 2022
Negotiation commences	Early 2022
Funding Agreements and Housing Outcome Agreements concluded	March - October 2022, as and when agreements are concluded
Final Ministerial funding decisions sought	

**Kāinga Ora may also select a limited number of Proposals to be fast tracked. See paragraph 1.6 below.*

1.2 EOI Stage

Kāinga Ora is looking to receive EOIs that contain Proposals with:

- (a) high level information on the housing development and associated infrastructure requirements (including the Eligible Infrastructure Projects) to enable the housing development; and
- (b) high level information to enable the Proposal to be reviewed against the Eligibility Criteria and evaluated against the Evaluation Criteria.

Each Proposal should relate to one specific housing development and the Eligible Infrastructure Project(s) required to enable that housing development.

Kāinga Ora recognises that some housing developments have a number of different scenarios.



In this case, Applicants are encouraged to submit only one EOI and Proposal for their preferred scenario. However, Kāinga Ora will accept a separate EOI and Proposal for each distinctly different scenario if it involves materially different housing outcomes and the Applicant considers each to be a strong Proposal.

At this EOI Stage, Kāinga Ora will focus on identifying those Proposals which:

- (a) meet the Eligibility Criteria; and
- (b) score well against the Evaluation Criteria.

1.3 RFP Stage

Following consideration of EOIs and the Proposals, the Kāinga Ora Board Committee will decide to either:

- (a) release an RFP to each Applicant with a successful Proposal; or
- (b) advise the Applicant that the Proposal has been unsuccessful.

The RFP will seek more detailed information about the Proposal in order for Kāinga Ora to be able to conduct in-depth evaluation and due diligence.

In recognition of the areas covered by the current and emerging Urban Growth Partnerships (and the typical added complexities in these areas), the following Paths have been established for the RFP Stage (and subsequent Negotiation period):

- (a) a Programme Path for main urban areas covered by current and emerging Urban Growth Partnerships; and
- (b) a Project Path for all other parts of New Zealand, including Proposals from developers and Māori in current or emerging Urban Growth Partnership areas.

Programme Path

The following groups of Territorial Authorities are covered by the current and emerging Urban Growth Partnerships and therefore will participate in the Programme Path:

- (a) **Auckland Council**, including its council controlled organisations;
- (b) **Smart Growth**: Tauranga City Council and Western Bay of Plenty District Council;
- (c) **Future Proof**: Waikato Regional Council, Waipa District Council, Waikato District Council, and Hamilton City Council;
- (d) **Wellington Regional Growth Framework**: Wellington City Council, Hutt City Council, Upper Hutt City Council, Porirua City Council, Kāpiti Coast District Council,



Horowhenua District Council, South Wairarapa, District Council, Carterton District Council, and Masterton District Council;

(e) **Greater Christchurch Partnership:** Christchurch City Council, Selwyn District Council and Waimakariri District Council; and

(f) **Queenstown Lakes District Council.**

At the RFP Stage, Territorial Authorities which fall within the Programme Path are strongly encouraged to submit a collective response that contains the individual Proposals supported by that group of Territorial Authorities. This collective response will also include an indication of the respective priority of each Proposal.

In exceptional circumstances, where collective agreement cannot be reached, an individual Territorial Authority within the Programme Path is able to submit a Proposal without collective regional support. However, it should be noted that this lack of regional support will be a relevant factor considered when the Proposal is evaluated at the RFP Stage.

Project Path

Proposals from all other Applicants will be submitted individually and progress through the Project Path at the RFP Stage.

Developer and Māori Applicants

Developers and Māori will proceed on the Project Path at the RFP Stage. They will be requested to obtain (and evidence) Territorial Authority support (or lack thereof) and submit this with their RFP Proposal. This reflects that Territorial Authority support will be a key factor when evaluating Proposals, and there would need to be very clear justification for advancing an RFP Proposal to Negotiation without this support.

RFP Proposals, evaluation and due diligence

The information sought in relation to Proposals at the RFP Stage will be more fulsome than that sought at this EOI Stage.

Kāinga Ora will evaluate each Proposal against the Evaluation Criteria and undertake due diligence to determine which Proposals should proceed to Negotiation.

In the case of Programme Path Proposals, Kāinga Ora anticipates this will involve a reasonably high level of engagement with the Applicant in order to fully understand and possibly refine Proposals.

In the case of Project Path Proposals, Kāinga Ora expects that a degree of engagement will be needed in order to clarify and possibly refine Proposals.



1.4 Negotiation

Following the completion of the RFP Stage evaluation of Proposals, the Kāinga Ora Board Committee will provide advice to Ministers as to whether or not Proposals should proceed to Negotiation. Proposals are expected to be advanced through this process in early 2022.

If and when Ministerial approval is obtained to proceed with a Proposal, Kāinga Ora will engage with the Applicant to seek to negotiate the terms of the Funding Agreement and the Housing Outcome Agreement.

Funding from the IAF will be in the form of grant funding to the Territorial Authority³ to contribute towards Eligible Costs.

The Funding Agreement will record the terms of the grant funding for the Territorial Authority⁴ towards the Eligible Infrastructure Project(s) and the co-funding requirements to be met as a condition to funding under the IAF. The agreement will outline the funding tranches that reflect the key stages involved in the progression of the housing development and delivery of the Eligible Infrastructure Project(s). The number of stages is expected to be limited to about 3 or 4 and each subsequent stage of funding will be conditional upon satisfactory progression through the previous stages. Co-funding will be expected to contribute towards the costs incurred during each stage. Kāinga Ora governance oversight is anticipated, and reporting obligations will be imposed.

The Funding Agreement will also record the position in respect of differences between costs as contemplated in the Proposal and the actual costs as they are incurred in the future. Kāinga Ora expects the amount of IAF funding to be capped and therefore Applicants will need to manage this risk internally.

It is expected that any Housing Outcome Agreement will contain commitments from developers (and other relevant parties) in relation to the housing outcomes referred to in the Proposal, along with any complementary actions to be taken by the relevant Territorial Authority.

We will be looking for Applicants to “rally support” in terms of organising the relevant parties, be they developers, co-funders or other interested parties.

Kāinga Ora expects to provide a commercial term-sheet for the Funding Agreement and Housing Outcome Agreement at the RFP Stage.

Kāinga Ora recognises that both agreements will need to reflect the nature and complexity of

³ Or other such entity, including Waka Kotahi NZTA, council controlled organisation, special purpose vehicle or otherwise, as is determined appropriate.

⁴ Or other such entity.



each successful Proposal.

1.5 Final funding decisions

Once the terms of the Funding Agreement and relevant Housing Outcome Agreement are agreed, the Proposal will be put to the Kāinga Ora Board Committee for consideration. The Committee will provide advice to Ministers for their consideration prior to Ministers making a final decision on funding.

It is expected that Proposals will be advanced through this approval process throughout the course of 2022 and that this will occur in batches. The amount of IAF funding available will be reduced by the amount of funding allocated to successful Proposals.

1.6 Fast-track Proposals

A fast-track process will be used to accelerate a limited number of Proposals through the RFP Stage, Negotiation and final funding decision by Ministers.

Following the EOI evaluation period, Kāinga Ora will engage with each Applicant with a Proposal identified as a fast-track candidate to undertake the RFP Stage due diligence and negotiate a Funding Agreement and Housing Outcome Agreement as soon as reasonably possible.

Proposals expedited through the fast-track process are expected to be those where:

- (a) the quality of the Proposal has already been well validated, such as through previous feasibility analysis by Government agencies; or
- (b) the Proposal is straightforward such that the evaluation and due diligence work can be done very quickly; and
- (c) in each case, the Proposal scores highly against the Evaluation Criteria.

1.7 Role of place based teams and inter-agencies

Place based teams

Kāinga Ora and the Ministry of Housing and Urban Development have place based teams whose work includes engaging with Territorial Authorities, Māori and developers on numerous matters, including in relation to housing developments.

The IAF will build on the work between place based teams and Territorial Authorities (and other potential Applicants), and their ongoing roles and relationships are also recognised.

Kāinga Ora and the Ministry of Housing and Urban Development place based teams also work within current and emerging Urban Growth Partnerships. These teams will also be looking to build on and leverage prior work with Applicants within those partnerships, with a view to



ensuring that IAF funding is, to the extent possible, aligned with government investment in infrastructure.

Members of the place based teams will continue to engage during the IAF process. At a high-level, this engagement may include:

- (a) acting as a point of contact for general queries in relation to the IAF; and
- (b) discussions to help Applicants understand what Kāinga Ora is looking for under the IAF.

Place based teams will not provide, and Applicants should not seek, any substantive advice on preparing Proposals, including providing:

- (a) guidance to Applicants regarding which Proposals should be prioritised over another;
- (b) any further information on the IAF process that is not already available to all Applicants; and/or
- (c) any information about other Proposals submitted.

Place based teams can only clarify the requirements in the EOI Invitation based on information contained in this document or available to all Applicants. Enquiries beyond this level of detail must be directed through the Authorised Representative set out in section 4.2.

The same principles will apply to any assistance that might be provided to developer Applicants. Māori Applicants should note the further guidance provided in section 2.1 in regards to preparing Proposals.

If any Applicant feels that they have not been engaged with on an equivalent basis, they may contact the Probity Auditor at the contact details set out in section 1.9 below. Applicants should note, however, that not all Applicants will be in an equivalent position in terms of how advanced Proposals are, so equivalent treatment does not, for example, mean getting Proposals to the same level of knowledge and understanding with each place based team. It is more a case of equivalence in time and effort allocated to each Applicant relative to the Proposal in question.

Members of the place based teams will provide input into the team at Kāinga Ora undertaking the evaluation of Proposals (and during subsequent Stages). However, they will not undertake any evaluation of the Proposals, be evaluators, or make evaluation (or subsequent) decisions.

Inter-agency input

Input into the evaluation of Proposals (and during subsequent Stages) will also be provided by other Government agencies such as the Ministry of Housing and Urban Development, Waka



Kotahi NZTA, Ministry of Transport, Department of Internal Affairs, Crown Infrastructure Partners, the Infrastructure Commission and the Treasury.

These agencies routinely engage with Territorial Authorities, developers and Māori in relation to housing developments, and senior representatives from these agencies will form the Inter-Agency Reference Group to provide input to the Kāinga Ora Board Committee.

1.8 Decision making

The Kāinga Ora Board Committee will decide which Proposals advance to the RFP Stage and provide advice to Ministers as to which Proposals should advance to Negotiation and those to receive IAF funding.

The Kāinga Ora Board Committee will consist of individuals with the following expertise:

- (a) housing development;
- (b) Māori housing;
- (c) infrastructure delivery;
- (d) local government; and
- (e) finance and risk management.

To support general cross-government alignment, the Inter-Agency Reference Group will inform the decisions and advice from the Kāinga Ora Board Committee.

Following the RFP Stage, Ministers will receive advice from Kāinga Ora, which will be based on the evaluation of individual Proposals against the Evaluation Criteria. Advice may also cover broader considerations, in particular those relating to the balance of the funding package as a whole, to ensure alignment with the objectives for the IAF. Broader considerations include matters such as the balance between greenfields and brownfields development, and near-term and medium-term delivery, construction sector capacity, capacity of the IAF and regional spread.

In relation to any Proposal in which Kāinga Ora has a material interest, Ministers will also receive advice from the Ministry of Housing and Urban Development.

1.9 Probity

The process described in this EOI relates to the allocation of IAF funding. It is not a procurement. However, Kāinga Ora intends to apply general probity principles to the EOI process.

If any Applicant has any concerns in relation to probity, they should contact the Probity Auditor at the contact details below:



Shaun McHale, Managing Director
McHale Group Limited
Public Sector Assurance
Level 1, 187 Featherston Street
PO Box 25103
Wellington 6146
OFFICE: 04 496 5580

Shaun McHale
MOBILE: 027 486 3412
EMAIL: shaun.mchale@mchalegroup.co.nz

Minnie Prakash
MOBILE: 027 446 2274
EMAIL:
minnie.prakash@mchalegroup.co.nz



SECTION 2: WHAT WE ARE LOOKING FOR

Kāinga Ora is looking for Proposals that meet the Eligibility Criteria set out in sections 2.1 to 2.3 and that will score well against the Evaluation Criteria in section 2.4.

Kāinga Ora is seeking Proposals where IAF funding unlocks or accelerates housing development, and enables a meaningful contribution to housing outcomes in areas of need. We are looking for Proposals that are sufficiently advanced to provide enough certainty on those housing outcomes, whilst not being so advanced such that IAF funding is not critical.

Applicants should submit EOIs which seek funding for Proposals which satisfy the various criteria and considerations identified in this section 2, and provide high-level information in their EOI Response Form that enables Kāinga Ora to make its assessment using the evaluation approach in section 3.

Applicants are asked to also identify how existing non-financial powers of local government and central government (e.g., Ministerial RMA powers, RMA fast-track, and Urban Development Act powers) could complement funding to maximise the impact of their Proposals.

2.1 Eligibility Criteria – Eligible Applicants

The following Applicants are eligible to submit EOIs and Proposals:

- (a) Territorial Authorities; and
- (b) developers⁵ and Māori who can demonstrate sufficient rights in, or access to, the land (or a material proportion of the land) upon which the housing development will be built.

Developers are strongly encouraged to work with the relevant Territorial Authority in the first instance to encourage that Territorial Authority to submit an EOI and Proposal as the lead Applicant. If the relevant Territorial Authority is unwilling or unable to support the Proposal then a developer may apply directly to the fund, provided the above Eligibility Criteria is met.

Developer and Māori Applicants should:

- (a) prior to preparing an EOI and Proposal, check with their Territorial Authority whether a particular housing development is already being progressed by that Territorial Authority; and
- (b) refer to the specific guidance for developer and Māori Applicants throughout this EOI Invitation and the EOI Response Form.

⁵ Including community housing providers.



In recognition of the operating principles for Kāinga Ora⁶, if Māori Applicants would like assistance in preparing their Proposals in response to this EOI Invitation, they should co-ordinate through their usual channels at Kāinga Ora or email IAF@KaingaOra.govt.nz.

These groups should also note funding opportunities available for Māori-led investments in infrastructure for Māori housing outcomes under the Māori Infrastructure Fund being delivered by the Ministry of Housing and Urban Development.

2.2 Eligibility Criteria – Eligible Infrastructure Projects

In order to qualify as an Eligible Infrastructure Project, the following requirements must be satisfied:

- (a) the infrastructure is new or upgraded enabling infrastructure in the form of transport (including local roading, state highways, public transport infrastructure, footpaths and cycleways), three waters (water supply, wastewater and stormwater) and flood management⁷; and
- (b) the infrastructure is wholly or primarily for the purpose of enabling the building of new or additional dwellings in the short to medium term (meaning, in most cases, that a material number of those dwellings are built (to completion) by December 2029)⁸; and
- (c) the infrastructure relates to developments which are expected to enable at least:
 - (i) 200 additional dwellings in Tier One urban environments (under the National Policy Statement on Urban Development);
 - (ii) 100 additional dwellings in Tier Two urban environments; or
 - (iii) 30 additional dwellings elsewhere.

2.3 Eligibility Criteria - Eligible Costs

Eligible Costs are one-off costs necessary to enable or deliver Eligible Infrastructure Projects (rather than funding ongoing, business-as-usual activities), being the costs of:

- (a) feasibility studies, business cases and other early-stage planning work;
- (b) designing, consenting, tendering and acquiring land (where it is wholly required for Eligible Infrastructure Projects and broader large scale project activities);

⁶ See section 14 Kāinga Ora – Homes and Communities Act 2019

⁷ Energy transmission infrastructure, telecommunications infrastructure, and social infrastructure (such as libraries, parks or recreation facilities) are not Eligible Infrastructure Projects.

⁸ Infrastructure that has purposes beyond supporting housing development (e.g. commercial development or improved resilience) are eligible, but funding can only be sought for the proportion of the infrastructure reasonably attributable to enabling housing development.



- (c) constructing Eligible Infrastructure Projects; and
- (d) in limited situations, non-capital administrative matters, where these are necessary to establishing complementary financing.

Applicants' internal costs and financing costs are not Eligible Costs.

Applicants should note the co-funding expectations set out in this EOI Invitation.

2.4 Evaluation Criteria

Decisions and recommendations made to Ministers in relation to the IAF made by the Kāinga Ora Board Committee will be based on the following Evaluation Criteria (and Sub-Criteria), which is expected to be consistent across both the EOI and RFP Stages.

Criteria	Sub-criteria
Housing benefits of the proposal (40%) – How will the Proposal, if delivered, contribute to the housing outcomes that are the purpose of the Fund?	<ul style="list-style-type: none"> • The number of additional dwellings that the funding will enable relative to demand in that area. • The proportion of lower-cost houses expected to be enabled by the Eligible Infrastructure Project(s) (primarily informed by typology of housing expected to be built). • The extent to which the location where housing will be enabled has unmet demand and provides access to amenity and opportunity. • The extent to which the Eligible Infrastructure Project(s) supports intensification, in particular that required to be enabled by councils under the National Policy Statement on Urban Development (i.e. typology and density). • The extent to which the Proposal supports housing development on land owned by Māori and to which mana whenua have been involved in developing the proposed solution. • The extent to which the Proposal supports housing development that is environmentally sustainable including through reduced private vehicle use, lower risks from climate change (such as coastal inundation), and supporting water quality and biodiversity.



Criteria	Sub-criteria
Impact of funding (additionality) (20%) – How critical is this funding to advancing the Eligible Infrastructure Project(s) and housing development?	<ul style="list-style-type: none"> • The impact that this funding will have on the housing development advancing, or on the pace and scale at which it will advance compared to what is currently expected. • Demonstration that other means to fund the Eligible Infrastructure Project(s) without displacement of investment elsewhere (i.e. rate rises, prudent borrowing, or use of the IFF framework) have been exhausted.
Cost and co-funding (20%) – How cost effective is the Proposal and is everyone paying their fair share?	<ul style="list-style-type: none"> • The average whole-of-government cost per dwelling expected to be enabled by the Eligible Infrastructure Project(s). • Alignment with co-funding principles for the Fund, being:⁹ <ul style="list-style-type: none"> ○ developers and landowners should be paying a similar share of the costs of the Eligible Infrastructure Project(s) as would be the case if the infrastructure was funded by traditional means through the local authority, which is generally the reasonable 'growth' portion of the total infrastructure cost (in some cases this contribution can be non-financial (e.g. land or commitments to sub-market housing), but any such contribution should be similar in value to the foregone financial contribution); and ○ Territorial Authorities should be co-investing to the maximum extent possible.
Capability and readiness (20%) – If funding is approved, how certain is it that the development will advance, and at what pace?	<ul style="list-style-type: none"> • The extent to which there are other barriers to housing development that the Eligible Infrastructure Project(s) will serve (and how they will be removed if funding is approved).

⁹ Applicants are reminded that this is a key component of ensuring that government investment will have maximum impact. Failure to demonstrate developers and landowners' preparedness to make such a contribution will likely result in the EOI and Proposal being unsuccessful.



Criteria	Sub-criteria
	<ul style="list-style-type: none"> • The degree of developer commitment or interest in building housing quickly. • Demonstrated alignment between all parties including Territorial Authorities, Regional Councils, mana whenua and developers needed to advance the housing development. • Confidence in the ability of all parties to deliver the Eligible Infrastructure Project(s) and housing development as proposed.

2.5 Broader considerations

Decisions at both EOI and RFP Stages will also take account of the broader considerations, in particular those relating to the balance of the IAF funding package as a whole, to ensure alignment with the objectives for the IAF and government priorities. These broader considerations will include those set out in the table below.

Broader considerations		Key factors to be assessed
1.	Greenfield/brownfield developments	Does the IAF funding package as a whole enable a balance of brownfield intensification and greenfield expansion?
2.	Timing of housing delivery	Does the IAF funding package as a whole enable a balance of near-term and medium-term activity?
3.	Construction sector capacity	Does the IAF funding package as a whole enable activity that ramps up sustainably to allow the construction sector to steadily increase its capacity and absorb the investment without price escalation?
4.	Capacity of the fund	If the amount of IAF funding requested in the Proposal is granted, is there sufficient capacity remaining in the IAF to support the desired range of Proposals?
5.	Regional spread of funding allocation	Does the funding package as whole represent the government's intention to fund Proposals across multiple regions that include both large urban areas and regional centres, having regard to: (i) allocation of funding from within IAF; and



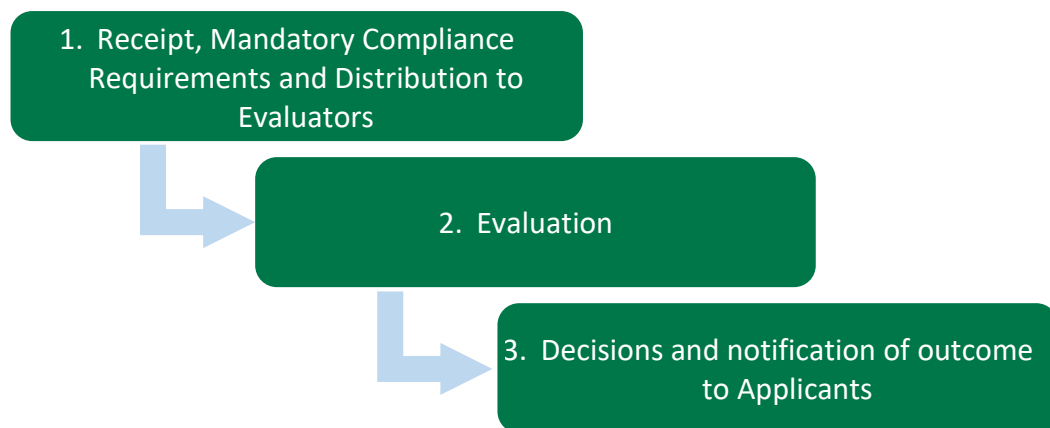
		(ii) any other central government funding for that housing development (including both historical and anticipated funding).
--	--	---



SECTION 3: EVALUATION APPROACH

3.1 Overview of the Evaluation Process

There are three steps to the evaluation of EOIs:



3.2 Mandatory Compliance

The Mandatory Compliance Requirements will be considered prior to the evaluation of each EOI and will be assessed on a **pass/fail** compliance basis.

Mandatory Compliance Requirements		
1.	EOI Response Form received on time	5.00pm 18 August 2021
2.	EOI Response Form completed as instructed in the prescribed format	Available on Tenderlink
3.	Applicant Declaration received on time	5.00pm 18 August 2021
4.	Applicant Declaration completed as instructed in the prescribed format	Available on Tenderlink

If this information is not provided on time, in the prescribed format, is incomplete, is inaccurate, or the content of the information is not satisfactory to the Evaluation Panel, the Evaluation Panel may (at its discretion) reject the Proposal without proceeding to evaluate it.

Following submission of Proposals, Kāinga Ora may seek further information and clarification from an Applicant if required, but not where the submission of such information would give an advantage to one Applicant over another. Information and clarification requests may be sent by the Authorised Representative at any stage during the EOI Evaluation and responses must be provided within three working days.



Information and clarification requests may be sent by Kāinga Ora during the period from 1 July to 13 August 2021.

3.3 Evaluation of EOI Proposals

All Proposals that meet the Mandatory Compliance Requirements will be reviewed by Evaluation Teams to check the Eligibility Criteria are satisfied (which will be assessed on a **pass/fail basis**), and scored against the Evaluation Criteria. Applicants whose Proposals meet these requirements will be notified.

This evaluation process will also involve:¹⁰

- (a) the Evaluation Teams seeking inter-agency input from other government entities listed in section 1.7; and
- (b) place based teams providing high level input on the Proposals submitted in their region.

The Evaluation Teams and Evaluation Panel will moderate individual scores and the Evaluation Panel will then confirm the ranking of Proposals.

Kāinga Ora reserves the right to not progress Proposals to the RFP Stage if, in the Evaluation Panel's opinion, a Proposal does not score satisfactorily on one or more of the Evaluation Criteria or Sub-Criteria.

Kāinga Ora also reserves the right to progress Proposals to RFP Stage subject to conditions.

In order to select the limited number of Proposals suitable for fast-tracking, Evaluation Teams and the Evaluation Panel will have regard to factors such as whether:

- a) the quality of the Proposal has already been well validated, such as through a previous central Government process; or
- b) the Proposal is straightforward such that the evaluation and due diligence work can be done very quickly; and
- c) in each case, the Proposal scores highly against the Evaluation Criteria.

3.4 Decisions and notification to Applicants

The Kāinga Ora Board Committee will decide which Proposals will advance to the RFP Stage.

Successful Applicants

Applicants with Proposals to progress to the RFP Stage will be advised in writing that they have been successful, and will be issued the RFP.

¹⁰ In paragraphs (a) and (b), "input" does not include the evaluation of Proposals.



For Proposals that may only proceed to the RFP Stage if certain conditions are agreed to, the RFP will be issued if and when the Applicant agrees to those conditions.

Unsuccessful Applicants

Applicants with Proposals that have not been selected to progress to the RFP Stage will be advised in writing that they have been unsuccessful, and will be offered debriefs.



SECTION 4: PREPARING A PROPOSAL

4.1 How to respond to this EOI Invitation

Each Proposal must relate to one specific housing development, and the Eligible Infrastructure Project(s) enabling that housing development(s). EOIs will comprise a completed EOI Response Form and Applicant Declaration (each as available on Tenderlink), submitted electronically to Tenderlink by **5:00pm on 18 August 2021**.

The contents of the EOI Response Form are set out in the table below. Instructions on how to complete the EOI Response Form and further guidance for preparing responses to the questions therein are set out in the EOI Response Form.

EOIs transmitted by any other method, such as facsimile, post or in hardcopy delivered to an office of Kāinga Ora, the Ministry of Housing and Urban Development, or any other government agency will not be accepted.

The questions in the EOI Response Form have been developed to ensure that the Evaluation Teams and Evaluation Panel have sufficient information to evaluate Proposals against the Eligibility Criteria and Evaluation Criteria.

Item	Content	Reference
EOI Response Form	<p>A completed EOI Response Form, comprising:</p> <ul style="list-style-type: none">- Part A - General Information: seeking basic information about the Applicant and the housing development.- Part B - Proposal Information: seeking high-level information about the housing development and the infrastructure required to enable the development.- Part C - Criteria Responses: seeking high-level responses on the various aspects of the Eligibility and Evaluation Criteria.	Available on Tenderlink



4.2 How to contact us

All enquiries to Kāinga Ora regarding this EOI Invitation must be by email, copying our Authorised Representative. Kāinga Ora will manage external communications through this Authorised Representative.

Our Authorised Representative: **Kathleen Fafeita**

Email address: IAF@kaingaora.govt.nz

4.3 Changes to the EOI Invitation

If, after publishing this EOI Invitation, Kāinga Ora needs to change anything about the EOI Invitation or EOI process, or wants to provide additional information, a notice will be issued on Tenderlink. Applicants subscribing to Tenderlink and who download the EOI Invitation will automatically be sent notifications of changes through Tenderlink by email.



SECTION 5: TERMS AND CONDITIONS

1) General

- a. The terms and conditions are non-negotiable and do not require a response. By submitting an EOI and a Proposal, each Applicant will be deemed to have agreed to this EOI Invitation's terms and conditions without reservation or variation.
- b. Applicants acknowledge and agree that the EOI process is not a procurement and the Government Procurement Rules do not apply to this EOI process.

2) Investigations and reliance on information

- a. Each Applicant should satisfy itself as to the interpretation of the EOI Invitation. If there is any perceived ambiguity or uncertainty in the EOI Invitation and document/s, Applicants should set out in their Proposal the interpretation relied upon and any assumptions used.
- b. Kāinga Ora will not be liable (in contract or tort, including negligence, or otherwise) to anyone who relies on any information provided by or on behalf of Kāinga Ora in or in connection with this EOI process.

3) Requests for clarification

- a. Requests for clarification of any perceived ambiguity or uncertainty in the EOI Invitation, or any other enquiry, must be made through IAF@kaingaora.govt.nz by no later than 13 August 2021. Kāinga Ora will respond in a timely manner.
- b. If Kāinga Ora considers a request to be of sufficient importance to all Applicants it may provide details of the question and answer to other Applicants. In doing so, Kāinga Ora may summarise the Applicant's question and will not disclose the Applicant's identity. The question and answer may be posted on Tenderlink, on the Kāinga Ora website, and/or

emailed to Applicants that have registered to the Tenderlink webpage. An Applicant may withdraw a request at any time.

- c. In submitting a request for clarification an Applicant is to indicate, in its request, any information that is commercially sensitive. Kāinga Ora will not publish such commercially sensitive information. However, Kāinga Ora may modify a request to eliminate such commercially sensitive information, and publish this and the answer where Kāinga Ora considers it of general significance to all Applicants. In this case, the particular Applicant will be given an opportunity to withdraw the request or remove the commercially sensitive information.
- d. Business-as-usual communications between Kāinga Ora and the Applicant will be maintained with the usual contacts. However, during the EOI process, Applicants must not use business-as-usual contacts to solicit or discuss details of this EOI process with any person at Kāinga Ora or any other Crown agency or Crown entity or their respective agents, except as permitted by section 1.7 of this EOI Invitation. This paragraph does not prevent Applicants from working on their Proposal with other relevant parties as necessary.

4) Reliance by Applicants

- a. All information contained in this EOI Invitation or given to any Applicant by Kāinga Ora is for the purpose of allowing that Applicant to prepare its Proposal. Kāinga Ora has endeavoured to ensure the integrity of such information. However, it has not been independently verified and Kāinga Ora is under no duty to provide updated information.

5) Reliance by Kāinga Ora

- a. Each Applicant must use its best endeavours to ensure all information provided to Kāinga Ora is true, complete and accurate. The Applicant acknowledges that Kāinga Ora will be relying on the truth, completeness and accuracy of this information in evaluating the Proposal and in subsequent engagements with the Applicant.



6) Clarification by Kāinga Ora

- a. Kāinga Ora may, at any time, request from any Applicant, clarification of its Proposal as well as additional information about any aspect of its Proposal. Kāinga Ora is not required to request the same clarification or information from each Applicant.

7) Inducements

- a. Applicants must not directly or indirectly provide any form of inducement or reward to any officer, employee, advisor, evaluation panel member or other representative of Kāinga Ora in connection with this EOI Process.

8) Evaluation Panel

- a. Kāinga Ora will convene an Evaluation Panel and Evaluation Teams, and a Committee of its Board comprising members chosen for their relevant expertise and experience, and who may have a degree of knowledge of or about any Applicant. In addition, Kāinga Ora may invite independent advisors to advise on any Proposal, or any aspect of any Proposal.

9) Third party information

- a. Each Applicant authorises Kāinga Ora to collect additional information, except commercially sensitive pricing 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 evaluation of the Proposal.

10) Evaluation and decisions

- a. Kāinga Ora will evaluate Proposals submitted in response to the EOI Invitation. This evaluation will be in accordance with the evaluation approach set out in section 3. Kāinga Ora may adjust its evaluation of a Proposal following consideration of any clarification or additional information as described in paragraph 6.
- b. In deciding which Proposals to progress to the RFP Stage, Kāinga Ora may take into account any of the following additional information:
 - i. the results from any due diligence;

- ii. any matter that materially impacts on the trust and confidence Kāinga Ora have in the Applicant or on the truth, accuracy and completeness of any information included in the Applicant's EOI; and/or

- iii. any relevant information that Kāinga Ora may have in its possession.

- c. Kāinga Ora will advise Applicants of the outcome of the evaluation. Progressing past the EOI Stage does not constitute acceptance by Kāinga Ora of the Applicant's Proposal, or imply or create any obligation on Kāinga Ora to enter into negotiations with, or enter into a Funding Agreement or Housing Outcome Agreement with any Applicant.

11) Fast-track process

- a. As described in the EOI Invitation, Kāinga Ora may, at any time following the EOI Invitation, elect to progress any Proposal under the fast-track process if it considers (in its sole discretion) that the Proposal meets the fast-track criteria described in section 3.3.

12) Authorised Representative for Kāinga Ora:

- a. All enquiries regarding the EOI process must be directed by email to the Authorised Representative. Applicants must not directly or indirectly approach any representative of Kāinga Ora, or any other person, to solicit information concerning any aspect of the EOI process, except place based teams to the extent permitted by section 1.7 of this EOI Invitation.
- b. Only the Authorised Representative, place based teams (to the extent permitted by section 1.7 of this EOI Invitation) and any other person authorised in writing by Kāinga Ora, are authorised to communicate with Applicants regarding any aspect of the EOI process. Kāinga Ora will not be bound by, or entitled to rely on, any statement made by any other person.
- c. Kāinga Ora may change the Authorised Representative at any time. Kāinga Ora will notify Applicants of any such change. This notification may be posted on Tenderlink or sent by email.



13) Conflict of interest

- a. Each Applicant must immediately inform Kāinga Ora should a conflict of interest arise during the EOI process. A material conflict of interest may result in the Applicant being disqualified from participating further in the EOI process.

14) Confidential Information

- a. For the purposes of this EOI Invitation and any EOIs submitted in response to it, Confidential Information means information that is marked as “confidential” or “commercial in confidence” by the Applicant.
- b. Confidential information does not cover information that is information already known by Kāinga Ora, or is in the public domain through no fault of either Kāinga Ora or an Applicant.
- c. Kāinga Ora or an Applicant will each take reasonable steps to protect Confidential Information and, subject to paragraphs d, e, and f will not disclose Confidential Information to a third party without the other’s prior written consent. Kāinga Ora will not be subject to any obligation of confidentiality in relation to information that is not marked as “confidential” or “commercial in confidence”.
- d. Kāinga Ora may disclose Confidential Information to any person who is involved in the IAF, including and on behalf of Government departments and other Crown agencies or entities, such as officers, employees, consultants, contractors, professional advisors, but only for the purpose of the IAF.
- e. Kāinga Ora may disclose Confidential Information to any person provided the Confidential Information is included in an aggregated dataset that does not identify the individual data.
- f. The obligations of confidentiality in paragraph c do not apply to any disclosure of Confidential Information required by parliamentary and constitutional convention and any other obligations imposed by law. Where Kāinga Ora receives an *Official Information Act 1982* request or the Applicant receives a *Local Government Official Information and*

Meetings Act 1987 request that relates to the other party’s Confidential Information, the party that has received the request will consult with the other party and may ask the other party to explain why the information is considered by the other party to be confidential or commercially sensitive.

15) Ownership of documents and intellectual property

- a. This EOI Invitation and any other documents supplied by Kāinga Ora to any Applicant remain the property of Kāinga Ora. All copyright and other intellectual property rights in the EOI Invitation and any documents and other information provided to any Applicant or any other person by or on behalf of Kāinga Ora in connection with this EOI Invitation will remain with, and belong at all times to, Kāinga Ora or its licensors. Kāinga Ora may request the immediate return of all documents supplied and any copies made of them at any time. Applicants must comply with any such request in a timely manner.
- b. Any EOI or information supplied by an Applicant to Kāinga Ora in respect of its Proposal will become the property of Kāinga Ora and may not be returned.
- c. Ownership of Intellectual Property rights in the EOI and any information supplied by an Applicant to Kāinga Ora in respect of its Proposal remain the property of the Applicant or its licensors. However, the Applicant grants to Kāinga Ora a royalty-free, non-exclusive, non-transferable, perpetual licence, including the right to sub-license, to retain, use, copy and disclose information contained in the EOI for any purpose related to the EOI process.
- d. By submitting a Proposal, the Applicant warrants that the provision of that information to Kāinga Ora will not breach any third party intellectual property rights.

16) No binding legal relations

- a. Neither the EOI Invitation, nor the EOI process, creates a process contract or any legal relationship between Kāinga Ora and any Applicant, except in respect of:



- i. the Applicant's declaration in its EOI;
 - ii. the Applicant's statements, representations and/or warranties in its EOI, and in its correspondence with Kāinga Ora; and
 - iii. paragraphs 7 and 12 to 22 of these Terms and Conditions.
- b. Kāinga Ora makes no representations nor gives any warranties in this EOI Invitation.
 - c. Any verbal communications made during the EOI process will not be binding on Kāinga Ora and are subject to the terms of this EOI Invitation.
 - d. Despite any other provision in this EOI Invitation or any other document relating to this EOI process, the issue of this EOI Invitation does not legally oblige or otherwise commit Kāinga Ora to proceed with or follow the process outlined in this EOI Invitation.

17) Elimination

- a. Kāinga Ora may exclude an Applicant from participating in the EOI process if it has evidence of any of the following, and this is considered by Kāinga Ora to be material to the EOI process:
 - i. the Applicant has failed to provide all information requested, or in the correct format, or materially breached a term or condition of the EOI process;
 - ii. the Proposal contains a material error, omission or inaccuracy;
 - iii. the Applicant is in bankruptcy, receivership or liquidation;
 - iv. the Applicant has made a false declaration;
 - v. there is a serious performance issue in a historic or current contract delivered by the Applicant;
 - vi. there is professional misconduct or an act or omission on the part of the Applicant which adversely reflects on the integrity of the Applicant;
 - vii. the Applicant has failed to pay taxes, duties or other levies;

- viii. the Applicant represents a threat to national security or the confidentiality of sensitive government information; or
- ix. the Applicant is a person or organisation designated as a terrorist by New Zealand Police.

18) Kāinga Ora additional rights

- a. Despite any other provision in the EOI Invitation Kāinga Ora may, on giving due notice to Applicants:
 - i. amend, suspend, cancel and/or re-issue the EOI Invitation, or any part of the EOI Invitation; and
 - ii. make any material change to the EOI Invitation (including any change to the timeline, requirements or Evaluation Approach) on the condition that Applicants are given a reasonable time within which to respond to the change, where a response is necessary.
- b. Despite any other provision in the EOI Invitation Kāinga Ora may:
 - i. accept a late Proposal if it is received late due to the actions of Kāinga Ora;
 - ii. in exceptional circumstances, accept a late Proposal where it considers that there is no material prejudice to other Applicants. Kāinga Ora will not accept a late Proposal if it considers that there is risk of collusion on the part of an Applicant;
 - iii. accept or reject any Proposal, or part of a Proposal;
 - iv. accept or reject any non-compliant, non-conforming or alternative Proposal;
 - v. decide not to enter into any agreement with any Applicant;
 - vi. liaise or negotiate with any Applicant without disclosing this to, or doing the same with, any other Applicant;
 - vii. provide or withhold from any Applicant information in relation to any question arising in relation to the EOI process. 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;

- viii. amend any agreement or proposed contractual arrangement at any time, including during refinement with a successful Applicant; and
 - ix. waive irregularities or requirements in the EOI process where it considers it appropriate and reasonable to do so.
- c. Kāinga Ora may request that an Applicant agrees to:
- i. selecting any individual element/s that is offered in a Proposal and is capable of being delivered separately, unless the Proposal specifically states that the Proposal, or elements of the Proposal, are to be taken collectively;
 - ii. progress to the RFP Stage, subject to certain conditions regarding the Proposal at EOI Stage; and/or
 - iii. selecting two or more Applicants to deliver the requirements as a joint venture or consortium.

19) Costs and expenses

- a. Kāinga Ora is not responsible for any costs or expenses incurred by an Applicant in the preparation of a Proposal.

20) New Zealand law

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

21) Disclaimer

- a. Kāinga Ora will not be liable in contract, tort, equity, or in any other way whatsoever for any direct or indirect damage, expense, loss or cost (including legal cost) incurred by any Applicant or any other person in

respect of the EOI process to the maximum extent permitted by law. This includes, without limitation:

- i. the preparation of any Proposal;
 - ii. any investigations of or by any Applicant;
 - iii. the suspension or cancellation of the process contemplated in this EOI Invitation; or
 - iv. any information given or not given to any Applicant.
- b. Nothing contained or implied in the EOI Invitation, or EOI process, or any other communication by Kāinga Ora to any Applicant shall be construed as legal, financial or other advice. Kāinga Ora has endeavoured to ensure the integrity of such information. However, it has not been independently verified and may not be updated.
- c. By participating in this EOI process, each Applicant waives any rights that it may have to make any claim against Kāinga Ora. To the extent that liability cannot be excluded as a matter of law, the maximum aggregate liability of Kāinga Ora is \$1.

22) Precedence

- a. Any conflict or inconsistency in the documents forming the EOI Invitation shall be resolved by giving precedence in the following descending order:
 - i. any notice made available on Tenderlink or to all Applicants after the release of this EOI Invitation that purports to amend the EOI Invitation;
 - ii. this section 5 (Terms and Conditions);
 - iii. all other sections of this EOI Invitation document; and
 - iv. any other additional information or document provided by Kāinga Ora to Applicants through the Authorised Representative or Tenderlink.



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



APPENDIX: GLOSSARY

Term	Meaning
Applicant	A party, including a Territorial Authority, Māori or developer, who has responded to this EOI Invitation by submitting a Proposal in accordance with the requirements set out in section 4.
Applicant Declaration	The declaration form to be completed by each lead Applicant, as available on Tenderlink.
Eligible Applicant	An Applicant who meets the Eligibility Criteria set out in section 2.1.
Eligibility Criteria	The criteria intended to be used to assess Eligible Applicants, Eligible Infrastructure Projects and Eligible Costs, as set out in sections 2.1, 2.2 and 2.3 respectively.
Eligible Costs	Costs that meet the criteria set out in section 2.3 (as determined by Kāinga Ora as being eligible) and for which IAF funding may contribute towards.
Eligible Infrastructure Project	An infrastructure project that meets the criteria set out in section 2.2 (as determined by Kāinga Ora) and for which IAF funding may be used.
EOI	Expression of Interest in response to this EOI Invitation
EOI Invitation	This invitation, inviting Applicants to submit an EOI and Proposal to receive funding from the Infrastructure Acceleration Fund.
EOI Stage	This stage of the process to allocate funding from the Infrastructure Acceleration Fund, commencing from the issue of this EOI Invitation and concluding on notification of successful Proposals to move to the RFP Stage.
Evaluation Criteria	The criteria intended to be used to assess Proposals as set out in section 2.4 of this EOI Invitation.
Evaluation Teams	Evaluation teams established to evaluate Proposals in accordance with this EOI Invitation as set out in section 3.3.
Evaluation Panel	Evaluation panel comprising officials of Kāinga Ora to evaluate Proposals in accordance with this EOI Invitation as set out in in section 3.3.



Term	Meaning
Funding Agreement	An agreement, setting out the terms of IAF funding for an Eligible Infrastructure Project(s).
Housing Outcome Agreement	An agreement setting out the housing outcomes, commitments from developers and other relevant parties, and actions to be taken by the relevant Territorial Authority, in respect of a Proposal.
IAF	Infrastructure Acceleration Fund
Kāinga Ora Board Committee	A committee of the Board of Kāinga Ora responsible for deciding which Proposals progress to the RFP Stage and providing advice to Ministers.
Infrastructure Acceleration Fund (IAF)	A government fund for Eligible Infrastructure Projects, administered by Kāinga Ora.
Inter-Agency Reference Group	A group made up of senior representatives from various government agencies that will inform the decisions and advice from the Kāinga Ora Board Committee.
Māori	Includes, without limitation, iwi, hapū, marae and whanau.
Māori Infrastructure Fund	A government fund for infrastructure that enables Māori housing, administered by the Ministry of Housing and Urban Development.
Ministers	The Minister of Finance and Minister of Housing.
Negotiation	The period that commences when an RFP Proposal receives Ministerial approval to progress to negotiation and concludes when a final Ministerial decision as to funding is sought.
Probity Auditor	The person identified in this EOI invitation who is appointed to audit, and provide independent assurance to Kāinga Ora on the process undertaken in relation to the IAF.
Programme Path*	A pathway for Proposals relating to main urban areas covered by current and emerging Urban Growth Partnerships.
Project Path*	A pathway for Proposals relating to all parts of New Zealand not covered by an Urban Growth Partnership, including those submitted by developers and Māori in Urban Growth Partnership areas. <i>*in each case, a "Path"</i>



Term	Meaning
Proposal	The information provided by Applicants regarding applications for funding under the Infrastructure Acceleration Fund (across EOI and RFP Stages and the remaining negotiation and funding decision processes).
RFP	Request for Proposals
RFP Proposal	A response to the RFP provided by selected Applicants.
RFP Stage	The Stage of the Infrastructure Acceleration Fund process commencing from the issue of the RFP to notifying successful Applicants.
Stages	The stages of the process to allocate funding from the Infrastructure Acceleration Fund referred to in this EOI Invitation.
Territorial Authority	A city council or a district council named in Part 2 of Schedule 2 of the Local Government Act 2002.
Urban Growth Partnership(s)	Partnerships, as identified in section 1.3 of this EOI Invitation, between central government, local government and Māori to ensure alignment of government investment in infrastructure.

