

Request for Information (RFI)

Road User Charges – Services for vehicle owners

This RFI seeks market input to help design an open and competitive retail services framework for New Zealand's future Road User Charges system.

By: Ministry of Transport

RFI released: 21 November 2025

Deadline for Responses: 13 February 2026

Ministry of Transport | Te Manatū Waka

www.transport.govt.nz

3 Queen's Wharf

Wellington

The information we require

This RFI is issued by The Ministry of Transport, referred to below as “The Ministry”, “we” or “us”.

What we want

The New Zealand Government has announced that the entire vehicle fleet will transition to Road User Charges in the future. Currently, most light vehicle owners pay for road use through fuel excise duty (FED) that is included in the price of petrol.

A Road User Charge (RUC) is a distance- and weight-based charge that owners of certain vehicles are required to pay for their road usage. In New Zealand, vehicles that do not solely run on taxed fuel – such as diesel and electric vehicles, and all vehicles over 3.5 tonnes – are required to pay RUC.

The transition from FED to RUC will ensure that all road users contribute fairly to the upkeep of our roads, regardless of what vehicle they drive. A long-standing principle in land transport policy is that road users contribute to the costs of maintaining and improving the network. FED is an imperfect proxy for road use, as how much people contribute varies significantly due to differences in a vehicle's fuel efficiency. This disparity will continue to grow as more fuel-efficient petrol vehicles enter the market, making the current revenue system less fair.

The Government is encouraging the development of services that promote modern, easy-to-use systems for vehicle owners to manage and pay for RUC. The transition will potentially create the world's largest — in terms of the number of vehicles required to pay — operational and mandated RUC system. The fleet currently consists of 4.8 million vehicles, including 1.3 million that already pay RUC.

The transition of 3.5 million vehicles into the RUC system requires an overhaul of the existing RUC system. We want to understand the potential for more innovative, user-friendly, cost-effective, reliable and secure options for measuring, reporting and collecting RUC, while ensuring the security of land transport revenue. Understanding the views of future market participants will help ensure the conditions facilitate a competitive market to develop and ensure the system is ready to support a smooth transition from FED to RUC.

You may already be a RUC service provider and be interested in responding to this expansion in the market, or you may be a potential new entrant. Either way – we are interested in your views. We define RUC retail services broadly as any service that helps customers purchase, measure or manage their RUC, ranging from over-the-counter transactions to fully electronic services. We want to understand:

- what commercial opportunities you are interested in
- what an end-user focused system could look like
- the role of technology
- how services could meet the needs of a diverse range of vehicle owners, while ensuring system integrity.

Why should you respond?

In the future, the significant increase in the number of vehicles mandated to pay RUC enables greater participation in the RUC retail services market. It presents the opportunity for innovative service offerings in a wide range of areas such as payment systems, customer service management, account management, measurement and reporting of distance travelled.

Your perspectives will help shape government decisions on policy, regulatory and legislative arrangements to enable the transition.

What we don't want

We do not want:

1. Feedback on the Land Transport (Revenue) Amendment Bill that is currently before Parliament. The select committee process provides an opportunity to make submissions to Members of Parliament.
2. General marketing material about your business. If you wish to provide background on your business, please do so briefly, with specific descriptions of what areas of your business are relevant to RUC retail services, rather than generic brochures or leaflets.

A bit about us

The Ministry is the steward of the transport system and is responsible to the Minister of Transport for the provision of advice on transport sector policy matters. We are releasing this RFI to support the design of policy, legislative and regulatory changes to the RUC system to support the transition of light vehicles from FED to RUC.

SECTION 1: Key Information and Process

1.1 Context

- a. This Request for Information (RFI) seeks information that will help the Ministry provide policy advice on next steps for the fleetwide transition to road user charges (RUC). **The Ministry is not seeking to procure services.**
- b. On 15 November 2024, the Ministry initiated a RFI to gauge the private sector's interest in providing services for road users to purchase and manage their RUC obligations. The market sounding was in the context of the Government's commitment to transition the light petrol vehicle fleet to RUC.
- c. The Ministry received 25 responses and met with an additional three parties who did not submit a formal response. Respondents included current electronic RUC (eRUC) providers, over-the-counter retailers, overseas telematics providers, technology companies, and fuel retailers.
- d. Parties showed strong interest in providing services related to payment of RUC and outlined a range of technology solutions, including the use of in-vehicle telematics devices for distance measurement. Some outlined potential mobile applications for manual input of odometer readings, or options for ensuring accurate distance readings such as requiring periodic odometer photographs. There was also interest in point-of-sale machines and apps at fuel pumps.
- e. Some respondents proposed bundling RUC sales with other vehicle-related services. For those that would need to make a significant capital investment to enter the market, their interest was conditional on a sufficient customer base to ensure a return on investment. Some expressed interest in charging a direct administration fee to customers instead of receiving a commission from the NZ Transport Agency (NZTA).
- f. Almost all respondents expressed the view that the Government should remove the requirement for physical RUC labels (the carry and display requirement) on vehicles to enable innovation and broader market participation. Respondents also commented on NZTA's role, expressing a desire for easier system connections and lower data-checking fees. They also view NZTA's dual function as a retailer and regulator as anti-competitive and a potential barrier to market participation.

1.2 Our timeline

Here is our timeline for this RFI (New Zealand times and dates):

Deadline for Responses:

13 February 2026

Notes:

- a. We understand that you may have questions relating to this RFI. We encourage you to ask any questions in November and December 2025, so that we can provide the information you need well in advance of the deadline for responses.
- b. We will provide online overview sessions in December 2025. Please register your interest by emailing RUC@transport.govt.nz.
- c. We encourage early submission of your response where possible and reserve the right to engage with interested Respondents before the above deadline.

1.3 How to contact us

Contact us through our Point of Contact via email:

Name: RUC Transition Team

Email address: RUC@transport.govt.nz

1.4 Developing and submitting your information

- a. This document should be reviewed alongside the Information Memorandum and Response Form.
- b. This is not a tender process.
- c. Take time to read and understand the RFI and the accompanying information memorandum. In particular, understand our Requirements. These are in Section 2 of this document.
- d. If you have questions, ask our Point of Contact (see 1.2 above).
- e. Submit your Response before the Deadline for Responses, using the Response Form.

1.5 Address for submitting your Response

Submit your Response to the following address: RUC@transport.govt.nz

We will not accept Responses sent by post or delivered to our office.

1.6 Our RFI Terms

The RFI is subject to the RFI Terms in Section 3 below.

1.7 Later changes to the RFI process

- a. After publishing the RFI, if we need to change anything or provide additional information we will let all Respondents know by placing a notice on the Government Electronic Tenders Service (GETS at www.gets.govt.nz).
- b. If you downloaded the RFI from GETS you will automatically receive notifications of any changes through GETS, including the Ministry's responses to questions.

SECTION 2: Background and Requirements

2.1 Background

The New Zealand RUC system

Road users help pay for New Zealand's land transport system through FEDor road user charges (RUC).

The RUC system is a distance-based charging system that currently applies to all vehicles weighing more than 3.5 tonnes and all vehicles below that weight that are not powered wholly by petrol¹. Owners of such vehicles must pay RUC unless they qualify for an exemption². Charges collected are paid into the National Land Transport Fund and go towards meeting the cost of providing and maintaining roads and other activities included in the National Land Transport Programme.

The RUC system was originally introduced in the late 1970s. At the time, there were almost no light diesel vehicles in the fleet, and it was designed primarily to ensure that heavy vehicles met the road use costs they were responsible for. Today, 1.3 million vehicle owners pay for their road use through the RUC system, and of these about 1.1 million are light diesel vehicles and electric vehicles (EVs).

The system has multiple different charging rates, most relating to heavy vehicles. Rates vary mainly by vehicle weight and chassis layout reflecting the differences in road wear caused by variation in heavy vehicle axle loads. This incentivises operators to use vehicles that cause less damage to the network.

For most light vehicles, there is only one rate. This is because light vehicles contribute a minimal amount to pavement wear, and the small theoretical differences in road wear caused between vehicles in the one to three tonne range do not justify the administrative complexity of multiple rates.

The light vehicle RUC rate is currently \$76NZD per 1,000 kilometres including Goods and Services Tax (GST)³. Only about \$1 of that rate relates to weight-based pavement wear, with the rest contributing towards other costs of running the transport network, such as weather- and age-related maintenance, new infrastructure, road policing, and public transport.

Current arrangements

The New Zealand Transport Agency (NZTA) is responsible for the operation of the RUC system. The RUC system is governed by the Road User Charges Act 2012.

Businesses can already offer electronic RUC services (eRUC). Four businesses are currently authorised by NZTA as eRUC service providers, which mostly offer services to commercial vehicle owners as part of a wider range of fleet management services. Other customers, including almost all light vehicle owners, are required to purchase a paper RUC licence in advance of travel, either via NZTA's online portal or through over-the-counter retail agents.

¹ Non-plug-in hybrid vehicles are considered to be wholly petrol powered, whereas plug-ins are subject to RUC.

² Exemptions may be granted for certain vehicles if they belong to a class of vehicles with a purpose or design that mean that it is unsuitable for regular road use. While some vehicles are automatically exempt based on vehicle type, vehicle owners can apply to NZTA for a usage-based exemption.

³ GST is a tax added to the price of most goods and services, including imports.

At present, all RUC retailers are approved or appointed by NZTA. Electronic System Providers (ESPs) are required to undergo an approval process in line with the eRUC Code of Practice. This model includes a requirement to develop and gain approval for aftermarket electronic distance recorders to be fitted to vehicles to ensure accurate measurement of distance travelled.

Most RUC retailers (including NZTA) do not solely offer RUC retail services. The sale of RUC licences occurs alongside other offerings – such as the provision of other motor vehicle registration services by NZTA Agents, or fleet management services by electronic service providers.

NZTA collects information on RUC licences sold and all RUC revenue is paid into the National Land Transport Fund.

Administration fee

In addition to the RUC rates, every RUC transaction incurs a statutory fee, known as the RUC administration fee. In most cases, the fee is directly charged to the purchaser of RUC. The RUC administration fee is set to recover NZTA's costs associated with operating and regulating the RUC system and each RUC transaction cost (including providing the RUC label). The label itself accounts for a relatively small part of this fee.

Compliance and enforcement

Owners of RUC vehicles are responsible for monitoring the distance they travel and purchasing RUC. Odometer readings are monitored as part of road-side Police checks and recorded at Warrant of Fitness safety inspections. NZTA issues invoices to users whose odometer readings as recorded at a safety inspection exceed the distance for which they have purchased RUC.

What is changing?

The Government has decided that all vehicles will be transitioned to the RUC system. While transitioning just over 100,000 EVs into the RUC system was reasonably straightforward in 2024, moving 3.5 million light petrol vehicles is a much larger and more complex task. This is because petrol vehicles currently pay FED, which will need to be phased out, and because the petrol vehicle fleet is much more diverse. Paying RUC requires active compliance by vehicle owners – unlike paying FED, which is included in the price of fuel.

The RUC system needs to be reformed before it can accommodate the light petrol fleet, to ensure that New Zealanders can choose from services that fit their needs. The Government is progressing legislative changes that will separate the RUC collector and service provider roles. This is in response to feedback from the last RFI that NZTA's dual function as a retailer and regulator is anti-competitive and a potential barrier to market participation.

The next steps towards the transition are:

- In 2026, make legislative and operational improvements to modernise the RUC system. This will enable a fair, competitive retail market to develop – with the goal of making it easy and cost-effective for vehicle owners to pay for their road usage. The Land Transport (Revenue) Amendment Bill was introduced on 13 November 2025.
- In 2027, the new RUC system will be open for business. Private providers will be able to offer a wide range of services for owners of vehicles that currently have to pay RUC (diesel, heavy and electric vehicles). Heavy electric vehicles will become subject to RUC on 1 July 2027.
- Beyond 2027, all petrol vehicles will be brought into the RUC system. Further legislative changes will be needed to refine the system and ensure a smooth transition for owners of petrol vehicles.

[The Land Transport \(Revenue\) Amendment Bill](#) proposes to:

- Remove all requirements to display, carry, and produce RUC licences
- Remove the requirement that electronic distance recorders must be provided by electronic system providers (enabling more innovation, including the possibility of using built-in vehicle technology)
- Clarify roles and responsibilities within the regulatory system, by separating customer service functions from regulatory functions
- Expand the scope of alternative payment schemes beyond vehicles with electronic distance recorders
- Introduce a new RUC provider approval process.

The changes in the Bill will require NZTA to make system changes to support market participation and promote integrity. Some required changes are already well understood, such as the need to prepare for the removal of physical labels. Other changes might vary depending on the requirements of future RUC providers for connecting to NZTA's systems. For example, if a RUC provider wishes to provide an alternative payments scheme, NZTA systems may need to be adjusted to accommodate the scheme design.

2.2 Our requirements

What is the opportunity?

The New Zealand Government wants to create the conditions for a competitive RUC market to develop. The Government is progressing legislative changes to address barriers identified in a previous RFI in 2024, as discussed above.

The information memorandum that accompanies this RFI provides a visual representation of the system for measuring, managing and paying road user charges. Transitioning the light vehicle fleet provides commercial opportunities across the system. You may see opportunities in a single part of the system, or across different parts of the system such as an end-to-end service.

To ensure a successful transition, services will need to address the diverse needs of New Zealand vehicle owners. The information memorandum that accompanies this RFI sets out some user scenarios for you to consider in your response. You may see challenges and opportunities in these scenarios that a particular service would address, or identify potential segments of the market that a service could target.

What are the parameters for market entry?

System design principles

Five principles are guiding our work in preparing the system for transitioning the entire fleet to RUC:

End user focus: changes to the RUC system should consider end user satisfaction, including aspects such as cost, and ease of use. New Zealanders must see value from this change, and the transition should be as low-cost and simple as possible. Privacy and trust are critical – user data must be protected, minimised, and handled in line with New Zealand privacy law and public expectations.

Revenue protection: changes should aim to minimise revenue leakage and provide effective sanctions against evasion. FED, whilst a blunt revenue tool, is near-universal, and payment cannot be avoided. RUC for the entire vehicle fleet will enable fairer and more accurate charging for road use and a more sustainable revenue stream

for the long term; however, the system must be designed to mitigate the risk from a tool that is more susceptible to non-payment.

Future proofing: regulatory settings should have the flexibility to enable integrated road pricing in the future, including time and location. A more comprehensive road pricing system offers the potential for a transport revenue system that more closely covers its costs. Any services to better enable eRUC should be developed with full road pricing in mind.

Market-led solutions: the system settings should enable retail service providers to compete and innovate. This could for example, allow for bundling of services.

Rapid results: improvements should be expedited, aiming to take clear and rapid steps towards fleetwide RUC. The ambition of a transition to a universal RUC regime should be balanced with the achievability of its implementation. A rushed transition risks poor end-user outcomes, and revenue leakage.

Legislative framework

In addition to the Bill currently before Parliament, new regulations and a new Code of Practice will be required. These will cover a range of matters including:

- criteria for the approval of RUC providers and electronic system providers (as a subset of RUC providers); and
- setting and monitoring performance standards for providers and regulating the management of information they collect from RUC customers.

The NZTA, in whichever role it plays in the reformed system, will be subject to the same regulatory requirements as other providers.

Changes to the existing Code of Practice for electronic system providers are expected to result in this being less prescriptive in terms of technology and potentially allowing for different technological solutions for distance recorders used in light and heavy vehicles.

Government sets RUC rates in regulations⁴. Revenue is paid into the National Land Transport Fund. Every RUC transaction incurs a statutory fee, known as the RUC administration fee⁵. The fee is directly charged to the purchaser of RUC and covers the cost associated with the RUC transaction and the RUC label. The fees are reviewed as part of NZTA's regulatory fees and funding reviews, which are typically undertaken every three years, with the last review implemented in October 2023.

Timeline for transition

The Government has announced a phased approach to the transition as outlined in section 2.1 above.

The transition to RUC presents challenges and opportunities

For most road users, the RUC system is largely manual, requiring users to monitor their odometers and pre-purchase paper licences. This manual system is not well-suited for the entire light fleet transitioning to RUC. Relying on the manual system would pose challenges to public acceptance, compliance, and revenue collection.

⁴ [Road User Charges \(Rates\) Regulations 2015](#).

⁵ [Road User Charges \(Administration Fees\) Regulations 2023](#).

Drivers of petrol vehicles would be moving from a seamless system that they do not need to think about and cannot avoid (FED, which is included in the purchase price of fuel) to one with an administrative burden. This can create compliance challenges and reduce revenue. A user-friendly payment system is needed.

The information memorandum that accompanies this RFI provides some user scenarios that could be considered in your response.

2.3 Key outcomes

We want to assess interest in providing RUC services following the Government's announcement of proposed legislative changes, assess the readiness of the market to support a fleetwide transition and identify any commercial barriers. This will inform policy work to create the conditions for a competitive market to develop and ensure the system supports a smooth transition from FED to RUC.

The questions we would like you to answer are set out below:

Market participation and interest

#1	Do you currently, or plan to, offer RUC services? • If you already provide services, please provide details • Do you provide services that may offer opportunities to bundle with RUC (for example selling RUC alongside another product or service)?
#2	What RUC services are you interested in providing in the future? Refer to the information memorandum to see a diagram of the proposed changes to New Zealand's RUC system. • What is the nature of the service? • Who is your target customer base?
#3	What aspects of the system are you <u>not</u> interested in providing services to support, and why?

Technology

#4	Do you have access to technology to deliver your proposed RUC service, or is new technology required? If new technology is required, how long would it take to design and deliver it? • What mechanisms would you use to measure and report road use (e.g., Global Positioning System (GPS), telematics, On-Board Diagnostic (OBD) devices, fuel retailer integration, mobile apps, etc)? • How do these options compare in cost, reliability, and user experience and privacy? • Do you envisage your approach changing over time?
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Barriers and enablers

#5	Beyond the law changes being introduced, are there any other regulatory, technical or commercial barriers to market entry? • What are the barriers to the emergence of a competitive market?
#6	What enablers or safeguards need to be in place to protect users and revenue? • What are practical methods for ensuring compliance (e.g., tamper resistance)? • What lessons from other jurisdictions should be considered?

User experience

#7	With reference to the user scenarios in the information memorandum, how would your services support simple, seamless services for different customer groups? • 'Low mileage' • 'Rural driver' • 'Avoidant' • 'No smartphone' • 'Time poor' • 'Pay as you go' • 'Privacy conscious' • 'Light vehicle fleet business owner' • 'Future user' What types of support or channels would help users transition smoothly to the new system?
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Market readiness

#8	How long might it take for a market to develop? What are the dependencies? • How might providers charge government or users (e.g., transaction fee, subscription, margin, commission)?
#9	How would your proposed RUC service support the future transition of petrol vehicles to RUC? What do you see as the challenges that market suppliers may require government support to resolve? • What approaches could minimise disruption during the transition from fuel excise? • What are the key risks and barriers to implementing universal RUC?

SECTION 3: RFI Terms

Defined terms are shown using capitals. You can find definitions at the end of this Section.

Preparing and submitting a Response

3.1 Preparing a Response

a. **Respondent obligations**

The Respondent must read the complete RFI and any additional information provided and referred to by the Ministry.

b. **Process acceptance**

By submitting a Response, the Respondent accepts the RFI Terms.

c. **No obligation, no penalty**

Suppliers are not expected or required to submit a Response in order to be put on or remain on, any prequalified or registered supplier list.

3.2 Respondent questions

a. The Respondent must make sure they understand the RFI.

b. If the Respondent has any questions or needs clarification, they:

- i. must submit questions before the Deadline for Questions (Section 1 of the RFI)
- ii. must clearly indicate any commercially sensitive information in their questions
- iii. may withdraw their questions at any time.

c. When the Ministry receives questions before the Deadline for Questions:

- i. The Ministry will respond as soon as practicable.
- ii. The Ministry may provide details of both the questions and the answers to other Respondents. In these circumstances the Ministry will summarise the questions and will not disclose the Respondent's identity.
- iii. Unless stated otherwise in the RFI, the Ministry will post both the questions and answers on GETS and on the Ministry's website.
- iv. The Ministry will not publish the Respondent's commercially sensitive information. However, if the Ministry considers the information to be significant for all Respondents, the Ministry may modify the question and publish both this and the answer. In that case the Ministry will first give the Respondent the opportunity to withdraw the question or remove any of their own commercially sensitive information.

3.3 Submitting a Response

a. The Respondent must ensure the Ministry receives the Response at the correct address on or before the Deadline for Responses.

b. The Ministry will acknowledge receipt of the Response as soon as practicable.

- c. The Respondent must ensure that all information they provide to the Ministry:
 - i. is true, accurate and complete
 - ii. is not misleading in any material respect
 - iii. does not contain material that infringes a third party's intellectual property rights.
- d. The Ministry may rely on the Response and all information provided by the Respondent during the RFI process to inform policy development.
- e. We may include information provided by the Respondent in a summary document of all Responses to the RFI and may make that summary publicly available, which may include a list of Respondents.

3.4 Clarification of Response

- a. The Ministry may ask the Respondent for more information or clarification on the Response at any time during the RFI process.
- b. The Ministry need not ask all Respondents for the same clarification.
- c. The Respondent agrees to provide the information or clarification as soon as possible, in the format requested by the Ministry.

Standard RFI conditions

3.5 The Ministry's Point of Contact

- a. The Respondent must direct all RFI enquiries to the Ministry's Point of Contact in Section 1 of the RFI.
- b. Only the Point of Contact, or a person authorised by the Ministry, may communicate with the Respondent on any aspect of the RFI. The Ministry will not be bound by any statement made by any other person.
- c. The Ministry may change its Point of Contact at any time. The Ministry will notify the Respondent of any change by email or posting a notification on GETS.
- d. If a Respondent has an existing contract with the Ministry, business as usual communications, for the purposes of managing delivery of that contract, will continue using the usual contacts.
- e. If the Respondent has an existing contract with the Ministry, the Respondent must not use its business-as-usual communications to contact the Ministry regarding the RFI.

3.6 Conflict of Interest

- a. The Respondent must complete the Conflict of Interest declaration in the RFI Response Form. If a joint Response is being submitted, each party must complete the Conflict of Interest declaration separately.
- b. If a Conflict of Interest arises during the RFI process, the Respondent must inform the Ministry immediately.
- c. The Ministry may exclude a Respondent from the RFI process if a material Conflict of Interest arises.

3.7 Confidential Information

- a. Without limiting any other confidentiality agreement between them, the Ministry and the Respondent will both take reasonable steps to protect the other party's Confidential Information.
- b. Except as permitted by the other provisions of this Section 3.7, neither party will disclose the other party's Confidential Information to a third party without that other party's prior written consent.
- c. Each party may each disclose the other party's Confidential Information to anyone who is directly involved in the RFI process on that party's behalf, but only for the purpose of participating in the RFI. This could include (but is not limited to) officers, employees, consultants, contractors, professional advisors, evaluation panel members, partners, principals or directors. Where this occurs, the disclosing party must take reasonable steps to ensure the third party does not disclose the information to anyone else, and does not use the information for any purpose other than participating in the RFI process.
- d. The Respondent acknowledges that the Ministry's confidentiality obligations are subject to requirements imposed by the Official Information Act 1982 (OIA), the Privacy Act 2020, parliamentary and constitutional convention, and any other obligations imposed by law. Where the Ministry receives an OIA request that relates to a Respondent's Confidential Information, the Ministry may ask the Respondent to explain why the information is considered by the Respondent to be confidential or commercially sensitive.
- e. The Respondent may disclose the Ministry's Confidential Information to the extent strictly necessary to comply with law or the rules of any stock exchange on which the securities of the Respondent or any related entity are currently listed. Unless prohibited by law, the Respondent must consult with the Ministry before making such a disclosure.
- f. The Ministry will not be in breach of its obligations if it discloses Confidential Information to the appropriate authority because of suspected collusive or anti-competitive tendering behaviour.

3.8 Costs of participating in the RFI process

Except as otherwise stated in the RFI, the Respondent must meet their own costs associated with the preparation and presentation of the Response.

3.9 Ownership of documents

- a. The RFI and its contents remain the property of the Ministry. All Intellectual Property rights in the RFI remain the property of the Ministry or its licensors.
- b. The Ministry may request the immediate return or destruction of any RFI documents and any copies, in which case the Respondent must comply in a timely manner.
- c. All documents forming part of the Response will, once they are delivered to the Ministry, become the property of the Ministry. The Response will not be returned to the Respondent.
- d. Intellectual Property rights in the Response remain the property of the Respondent or its licensors.
- e. The Respondent grants to the Ministry a licence to retain, use, copy and disclose information contained in the Response for any purpose related to the RFI process, including keeping appropriate records.

3.10 Limited rights and obligations

- a. Except as stated otherwise in this paragraph 3.10, nothing in the RFI, these RFI Terms or the RFI process creates a contract or any other legal relationship between the Ministry and Respondent.
- b. The following are binding on the Respondent:
 - i. The Respondent's signed declaration (contained in the RFI Response Form).
 - ii. The Respondent's obligations under paragraphs 3.3c and 3.3d. Nothing in this Section 3.10 takes away from any rights or remedies the Ministry may have in relation to the Respondent's statements, representations or warranties in the Response or in correspondence with the Ministry.
 - iii. The standard RFI conditions in Sections 3.5 to 3.14.
- c. Paragraphs 3.7 and 3.9 are binding on the Ministry.
- d. All terms and other obligations that are binding on the Ministry are subject to the Ministry's additional rights in paragraph 3.11.

3.11 The Ministry's additional rights

- a. **Changes to the RFI**
 - i. The Ministry may amend, suspend, cancel or re-issue the RFI, or any part of it, so long as it notifies the Respondent.
 - ii. The Ministry may change material aspects of the RFI, such as the timeline or Requirements, provided it gives the Respondent time to respond to update its Response in relation to the changes.
- b. **Timeline**
 - i. The Ministry may accept a late Response if it is the Ministry's fault it is late, or if the Ministry considers there is no material prejudice to other Respondents in accepting a late Response.
- c. **RFI Process**
 - i. The Ministry may liaise with any Respondent without informing, or doing the same, with any other Respondent.
 - ii. The Ministry may provide Respondents with information arising from questions about the RFI.
 - iii. The Ministry may withhold information arising from questions about the RFI. This may be the case if the information is unnecessary, is commercially sensitive, is inappropriate to supply at the time of the request or cannot be released for legal reasons.
 - iv. The Ministry may waive requirements or irregularities around the RFI process if the Ministry considers it appropriate or reasonable to do so.

3.12 New Zealand law

The laws of New Zealand govern the RFI. Each Respondent agrees New Zealand courts have non-exclusive jurisdiction to rule in any dispute concerning the RFI or the RFI process. The Respondent agrees that it cannot bring any claim in relation to the RFI except in a New Zealand court.

3.13 Disclaimer

- a. Nothing contained or implied in the RFI, or RFI process, or any other communication by the Ministry to the Respondent is to be construed as legal, financial or other advice.
- b. The Ministry will endeavour to provide accurate information in any communication, but the Respondent accepts this information is not independently verified and may not be up-to-date.
- c. The Ministry will not be liable in contract, tort, equity, or in any other way for any direct or indirect damage, loss or cost incurred by the Respondent or any other person in respect of the RFI process, whether as a result of the Ministry exercising its rights under paragraph 3.11, the Ministry's negligence or breach of these RFI Terms, the Ministry failing to select the Respondent as the Successful Respondent, or any other cause.
- d. To the extent that liability cannot be excluded, the maximum aggregate liability of the Ministry, its agents and advisors in connection with the RFI process, to all Respondents combined, is NZ\$5,000.
- e. The limitations and exclusions in paragraphs c and d above do not apply to any liability the Ministry may have for breach of confidentiality or infringement of the Respondent's intellectual property rights.

3.14 Precedence

- a. Any conflict or inconsistency in the RFI shall be resolved by giving precedence in the following descending order:
 - i. these RFI-Terms
 - ii. all other Sections of the RFI document
 - iii. any additional information or document provided by the Ministry to Respondents through the Ministry's Point of Contact or GETS.
- b. If there is any conflict or inconsistency between information or documents having the same level of precedence the more recent information or document will prevail.

Definitions

In relation to the RFI the following words and expressions have the meanings described below.

Buyer	The government agency that has issued the RFI with the intent of obtaining information.
Confidential Information	Confidential Information of a party (Provider) means information acquired by the other party (Recipient) from the Provider in connection with the RFI process, where that information: a. is by its nature confidential b. is marked at the time of disclosure to the Recipient as 'confidential', 'in confidence', 'restricted', 'sensitive', 'secret' or 'top secret', and/or c. the Recipient knows, or ought to know, is confidential to the Provider or a third party who supplied it to the Provider. However, this does not include information that is publicly available through no fault of the Recipient, or that the Recipient acquired entirely independently of the Provider.

Buyer	The government agency that has issued the RFI with the intent of obtaining information.
Conflict of Interest	A Conflict of Interest arises if personal or business interests, relationships or obligations of the Respondent or any of its personnel do, could, or could be perceived to: a. conflict with the Respondent's obligations to the Ministry under the RFI or in the provision of the goods or services, and/or b. call into question the independence, objectivity or impartiality of any person involved in the RFI process on behalf of the Ministry. A Conflict of Interest may be: c. actual: where the conflict currently exists d. potential: where the conflict is about to happen or could happen, or e. perceived: where other people may reasonably think that a person is compromised.
Deadline for Answers	The deadline for the Ministry to respond to questions submitted by a Respondent stated in Section 1.2 of the RFI.
Deadline for Responses	The deadline for delivering or submitting Responses to the Ministry as stated in Section 1 of the RFI.
Deadline for Questions	The deadline for submitting questions to the Ministry as stated in Section 1 of the RFI.
GETS	Government Electronic Tenders Service available at www.gets.govt.nz .
Intellectual Property	All industrial and intellectual property rights whether conferred by statute, at common law or in equity, including (but not limited to) copyright, trademarks, designs and patents.
Point of Contact	The Ministry and each Respondent are required to appoint a Point of Contact. This is the channel to be used for all communications during the RFI process. The Ministry's Point of Contact is identified in Section 1 of the RFI. The Respondent's Point of Contact is identified in its Response.
Respondent	A person, company or organisation that submits a Response in response to the RFI. The term Respondent includes each member of any consortium.
Response	The response a Respondent submits in reply to the RFI. It comprises the Response Form and all other information submitted by a Respondent.
Response Form	The form and declaration prescribed by the Ministry and used by a Respondent to respond to the RFI, duly completed and submitted by a Respondent as part of the Response.
RFI	Means the Request for Information.
RFI-Terms	Means the RFI Terms as set out in Section 3 of the RFI.

For more definitions, click [HERE](#).