

REQUEST FOR EXPRESSIONS OF INTEREST
.nz Registry Replacement

REOI released: 23 October 2019
Deadline for clarification requests from potential
respondents: 15 November 2019
Deadline for EOI submissions: 29 November 2019

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1. Background

InternetNZ is a non-profit organisation, and the home and guardian of .nz — providing the infrastructure, security and support to keep it humming. InternetNZ uses the funding from the sale of .nz domain names to support the development of New Zealand's Internet through policy, community grants, research and events. Its mission is an Internet that is open, secure, and for all New Zealanders.

Role of InternetNZ — the .nz registry

InternetNZ operates the .nz domain name registry services and Domain Name System (“DNS”), and sets policy for the .nz ccTLD.

In a key role, InternetNZ serves the New Zealand community as the designated manager of the .nz country code top-level domain. As the steward of .nz, InternetNZ is responsible for its operation in the public interest and the interest of the local Internet community.

A Memorandum of Understanding was signed between MBIE and InternetNZ about this key role in May 2016. It was updated in June 2018 to reflect the changes to the group's structure. [Read the current MOU](#) (PDF).

Technology supporting the .nz registry

The Shared Registry System or “**SRS**” is the core technology system for the operation of the .nz registry. Together with the .nz DNS, the SRS is at the heart of .nz. The SRS application was originally developed in 2002, at that time there was no industry standard registry system and the interfaces to most registry systems around the world were unique to each registry. The SRS protocol was developed as a way for registrars to communicate with the SRS for registering and updating .nz domain names. The protocol was based on Extensible Markup Language (XML). It has evolved and been upgraded since that time, and has been operated in-house by InternetNZ since 2014.

An alternative standard called Extensible Provisioning Protocol or “EPP” was being developed at the same time as the SRS protocol. By 2011 EPP was well established as a default standard amongst overseas registrars and registries. The EPP interface was ultimately added to the SRS by InternetNZ to facilitate an easy connection and onboarding process for new overseas registrars and to help grow .nz in these overseas markets.

The current proportion of domains by registrar using SRS is 65% and for EPP it is 35%. The proportions for the number of SRS/EPP registrars is approximately the same as the above for the number of domains.

2. .nz Registry Replacement

InternetNZ is therefore considering options for a new replacement registry system for the SRS and wishes to conduct a request for expression of interest process (REOI) to enable InternetNZ to understand and evaluate what a suitable replacement could look like.

This REOI is the initial scoping exercise of the .nz registry system replacement project to replace the SRS (“**Registry Replacement project**”) and the key outcomes InternetNZ wants to achieve are to:

- enable InternetNZ to clearly define the parameters of a subsequent restricted tender process and should this proceed to this stage

and

- assess potential suppliers and options to enable and support InternetNZ in undertaking the Registry Replacement project.

To this end, this REOI invites potential suppliers to:

- register their interest to participate in the Registry Replacement project; and

- provide information that supports their capability and capacity to enable InternetNZ to deliver a replacement .nz registry system

together the “**EOI response**”.

InternetNZ reserves the right to invite or accept proposals from suppliers who did not submit an EOI response to this REOI.

Consistent with InternetNZ’s approach to open and transparent processes, and given the .nz registry is a key piece of national infrastructure, this REOI forms part of a market exercise to test the value, accountability and performance of best-in-class registry systems and to assess the capability of responding suppliers to enable and support InternetNZ to undertake the Registry Replacement project.

The scope of products, technology and services required to build and/or operate a dedicated .nz registry may be varied and extend beyond those services provided by InternetNZ to date. This may include appointing a third party (or parties), or enabling InternetNZ (or a subsidiary) itself, to self-supply or provide certain registry services, along with the additional services described in this REOI.

The scope of all aggregate products, technology and services provided by respondents (along with those that InternetNZ provides to itself) must align with InternetNZ’s project goals for the .nz Registry Replacement project, the project goals are described in Section 3 below.

Respondents to this expression of interest can respond by registering their interest and providing information that supports capability including information about products, technology and/or services for all or part of the project goals, and are free to partner with other respondents to put together combined proposals or consortium responses.

3. .nz Registry Replacement project goals

The products, technology and services required for the .nz Registry Replacement project must support InternetNZ to meet the following key outcomes to:

- 3.1. Implement a registry system that is flexible, efficient and reliable, to meet the current and future needs of our users.

Answer the question: What does a contemporary registry system look like for New Zealand?

- 3.2. Strengthen the trust and confidence of the New Zealand Internet community in InternetNZ, consistent with our stewardship obligations.
- 3.3. Strengthen the trust and confidence of New Zealanders in .nz as the top level domain of choice.
- 3.4. Ensure privacy, and ensure that the security of data and systems in .nz serves the interest of users and is designed to mitigate the complex threats faced by ccTLD registries.

Answer the question: How might we enhance the operation of the .nz ccTLD whilst maintaining privacy, security and stability?

- 3.5. Deliver unrestricted and secure access to rich registry data in order to grow our strong data analytics capabilities.

Answer the question: How can we use data to further support and promote innovation in the .nz ecosystem and the InternetNZ group?

- 3.6. Maintain local control of .nz data and systems, consistent with our stewardship obligations. .nz data and systems should be locally based and stored within New Zealand.

3.7. In the longer term, build capability to provide core registry and back-up services for Top Level Domains in the Asia Pacific region.

4. Purpose of this REOI

In addition to those matters set out above, this REOI is intended to enable InternetNZ to (amongst other things) gain a more detailed understanding of the supplier market and range of solutions that may be available to allow suppliers to register their interest to work on and supply services for the Registry Replacement project.

This REOI is intended to assist in informing yourself of the background to InternetNZ’s requirements and the Registry Replacement project.

Where reference is made to other documents (including linked documents within the REOI) this is not intended to alter, or have the effect of altering, the REOI process outlined in this document.

5. Indicative timeframes

InternetNZ may carry out its Registry Replacement project however it chooses. But at this stage its intention is to operate to the following timetable.

This timetable will be published on InternetNZ’s website and will be updated if InternetNZ varies the timeframes for the REOI for any reasons.

Event	Date and time
Issuance of the request for expressions of interest	Wednesday 23 October 2019
Briefing opportunities at ICANN66, Montreal	2 to 7 November 2019
Briefing opportunities in New Zealand	11 to 15 November 2019
Closing date for clarification requests and questions from potential respondents	Friday 15 November 2019

Closing date for the submission of expressions of interest	Friday 29 November 2019 12pm (NZDT, UTC+13)
Evaluation panel consideration of expressions of interest responses Note: additional information and clarification may be sought by InternetNZ from respondents during this stage	2 December 2019 to 18 February 2020
InternetNZ announces next steps	19 February 2020

Respondents that are unable to meet the closing date should discuss their concerns with Registry Replacement Project Lead Dave Baker by email to: rrp_queries@internetnz.net.nz by 15 November 2019.

6. Required information

Respondents must provide the following information in their EOI response:

- summary of the respondent, including the full name of the corporate entity or individual and a description of their primary business
 - if the respondent is a corporate entity:
 - the name of its directors and key personnel responsible for providing the technology, products and/or services under its EOI response
 - details about its ownership structure including the names of any related entities within the corporate group, ultimate holding company and the names of the directors of those related entities
- and
- the jurisdiction of its incorporation

- if the respondent is a consortium:
 - the name of the key contact and prime vendor entity for the consortium
 - the name of all members in the consortium, and
 - where members are a corporate entity, provision of the corporate entity information set out above
- experience and performance history in supporting or providing services in the top level or second level domain name space of similar scale and complexity as .nz ccTLD and its associated second level domains
- information on the products, technology and/or services that the respondent is able to provide — respondents may provide responses on a full or partial set of products, technology and/or services
- proposed indicative costs and payment model (e.g. on an upfront, monthly or per domain name basis). InternetNZ is willing to consider outright purchase of technology and/or products as well as appropriate options for licensing technology
- proposed indicative timeframe for supplying technology, products and/or services
- resumes of key personnel involved in supplying technology, products and/or services
- dependencies and assumptions that the response is dependent upon
- experience and performance history relevant to the delivery of the project goals described in Section 3
- contact officer with phone and email addresses
- respondent's principal place of business address

- references from customers
- and
- declaration of any current or potential conflicts of interest, including if the respondent itself or any related entity is directly or indirectly involved in any trade, business or undertaking as an InternetNZ Accredited Registrar (see clause 17 of this REOI).

7. .nz Registry requirements

These requirements are a guide only and do not necessarily reflect the requirements that may ultimately be required by InternetNZ of the new registry system, InternetNZ is open to receiving all possible solutions for a new registry system in a potential respondent's EOI response.

7.1. Key outcomes

The following key outcomes will be sought from a replacement system:

7.1.1. Flexibility

The new registry system will need to be flexible for supporting growth and change, allowing new features and enhancements to be easily implemented in a timely manner. One essential component will be the externalisation of the business rules and this will allow business users to modify the rules without the need for IT intervention. A business rules engine will give the system flexibility to allow policy changes to be implemented faster.

7.1.2. Interfaces

The new registry system should support one registry protocol, EPP, which is the industry standard. Beyond a standard EPP

implementation, we're also interested in understanding which EPP extensions are supported by the proposed solution.

Access to registry data and BI enhanced data should be made available on an appropriate, secure basis to registrars and other stakeholders using modern APIs/efficient interfaces with other data platforms. Desirable capabilities may include integration with control panel systems used by smaller registrars or resellers and a replacement for the WHOIS service to provide registry data via the industry standard Registration Data Access Protocol (RDAP) service.

7.1.3. Reliability

The new registry system should ideally support the same availability service level expectations as the current system (see <https://docs.internetnz.nz/reports/#availability>) but InternetNZ is open to revising these requirements given reasonable justifications.

7.1.4. Security

The registry system must be developed using a development lifecycle that considers the security implications of design decisions. Supply-chain risks from third-party components are documented for operational teams. Comprehensive logging is available for InternetNZ to monitor the system and detect anomalous behaviour. Encryption is used appropriately for protecting information at-rest and in-transit. Administrative access should be protected using multi-factor authentication and audit logs must be retained.

InternetNZ may require a third-party security assessment of the registry system.

7.1.5. Control

With the importance of this infrastructure for New Zealand, and the unique policy approach .nz takes, InternetNZ must maintain an appropriate degree of control of the new system and data whilst having the flexibility to re-engineer the system based on rules and/or protocols.

Proposed solutions should provide suggestions of how InternetNZ could retain an appropriate degree of control over the system and data, for example in the following cases:

- established processes and procedures for InternetNZ or a third party to take control of the system (similar to an EBERO event)
- InternetNZ directly operates and supports an instance of the proposed software from the provider.

7.1.6. Features

The new system should be capable of delivering additional features, beyond the basic functional requirements, such as:

- RDAP
- registry/registrar administration options
- registry lock
- EPP extension flexibility
- API access to administration data and functions
- supporting multiple TLDs
- statistics and reporting
- registry system is written in contemporary programming languages that are common, well maintained and supported
- registry system billing process that is flexible and may be able to integrate into other financial systems
- new data, marketing and insight tools
- the potential for the new registry system to be open-source-based if possible.

7.2. Technical and functional requirements

Requirements for potential products, technology and services include (but are not limited to) the requirements contained within this section. To assist in preparing an EOI response, respondents may also review the technical requirements contained in the [ICANN’s latest base new gTLD agreement](#).

The Extensible Provisioning Protocol (EPP) will be the default for the new registry system. Respondents may review [our current IDN and DNSSEC features](#). These should be referred to for guidance and are not the default technical requirements for the new registry system.

InternetNZ does not intend for the new registry system to support the SRS protocol. (Refer to 7.3 Retirement of the SRS protocol).

In preparing the EOI response, respondents should provide information on and expectation of the products, technology and/or services to cover the following:

7.2.1. Names under management & transaction volumes

Consideration should be given to the following registry system capacity:

There are currently 711,945 names under management on the .nz registry system as of 1st October 2019.

The table below gives an indication of the transaction volumes for the current system based on totals for September 2019.

Transaction type	Volume ‘000	Comments
Domain detail/info	95	
Get message/poll	1,072	
Domain create	47	Valid and invalid

Domain update	249	Includes renewals and transfers
WHOIS	8,069	
Other	2,098	Includes, poll ack, handle, registry, mixed transactions

7.2.2. Business rules configuration

The registry system software should support the use of a business rules engine so that changes can be made as a result of .nz policy changes without requiring software development and testing.

InternetNZ is currently undertaking a [review of the policies related to the .nz domain name space](#). The review is expected to be completed by July 2020 and we anticipate a revised policy framework will be agreed by the end of December 2020.

For the current policies and to assist in preparing an EOI response, respondents may review the [.nz operations & procedures](#) and the [.nz principles and responsibilities](#).

Of the policies, you may be specifically interested in the [policies for moderated domain name space and moderated second level](#).

7.2.3. Registration service

Registration service performance & availability

What are the standard criteria or expectation of the products, technology and/or services on:

- service availability and monitoring systems
- query & update transaction times
- planned and extended outage requirements — what impacts on the operations of the registry i.e. is the system completely down or just up for ‘read-only’ or other options.

Function

What are the standard offerings for these functions in the products, technology and/or services on:

- performance monitoring and verification of service level expectations
- registry lock — what features are available? e.g. lock and unlock in cases of abuse
- ability to offer public IPv6 transport for registration system, in addition to IPv4
- DNSSEC support (<https://docs.internetnz.nz/features/dnssec/>)
- IDN support, limited to the .nz Latin character set as per <https://docs.internetnz.nz/features/idn/>
- privacy and WHOIS data — the ability to show/hide fields in the WHOIS record according to .nz policy
- billing process — what is the process, how flexible are the billing integrations into other financial systems
- other options:
 - reseller ID support
 - domain sync.

7.2.4. Registration administration

InternetNZ registration administration generally includes the following:

- 7.2.4.1. lock & unlock functions and features
- 7.2.4.2. manual and bulk transfers
- 7.2.4.3. manual renewals
- 7.2.4.4. reviewing historic domain details
- 7.2.4.5. update domain details
- 7.2.4.6. resetting AUTH codes/UDAI
- 7.2.4.7. delegate/undelegate domain names — serverhold

7.2.4.8. cancelling and uncancelling domain names.

What are the standard offerings for the above functions in the products, technology and/or services? Include any observations about other best practice.

7.2.5. Business continuity planning

Experience and performance history in supporting or providing business continuity planning services should be included in responses. The potential solution provider is required to work with InternetNZ to develop and implement a full business continuity plan for its registry operations. Business continuity planning is considered an essential part of a well-designed computer system.

There should be a planned approach for the re-establishment of services following failures or disasters. Regular system maintenance and routine back-up and recovery procedures for information files within the system, software maintenance and documentation are included.

The plan will detail the processes to be undertaken to ensure the continued operation of the registry in the event of a disaster. The plan should cover the functions within the registry system at the level of production and maintenance. The production items include the real-time components of the registry system and services. The maintenance items include the remainder of the system, e.g. maintenance of data records, reporting and enquiries.

The first stage of the process is the preparation of the business continuity plan. The second stage is the implementation of the systems and infrastructure required to ensure that the plan executes successfully.

7.2.6. Emergency transition plan

The potential solution provider will work with InternetNZ to develop an emergency transition plan for situations where the business continuity plan could not be executed.

ICANN has documented an emergency transition process (<https://www.icann.org/resources/pages/transition-processes-2013-04-22-en>). This can be used as a basis to develop an emergency transition plan.

7.3. Retirement of the SRS protocol

The project scope of work is to replace the SRS with a new registry system on the EPP protocol. This will change the interface protocol for registrars currently on SRS only. These registrars will need to change their systems to interact with the registry via EPP. There may be requirements to provide support for the change over and the ability to enable the changeover and transition from the SRS to the new system.

An EOI response should include experience of similar system implementation and migration with details of the approach undertaken.

8. Criteria for reviewing the EOI response

InternetNZ will take the following criteria into account when reviewing the EOI responses received:

- experience and performance history in applying services to a TLD of similar scale and complexity to the .nz ccTLD, including experience operating EPP, DNS, DNSSEC and WHOIS infrastructure at scale
- ability to meet and deliver on InternetNZ's .nz Registry Replacement goals (referred to in Section 3)
- ability to meet and exceed InternetNZ registry requirements (referred to in Section 7)
- security capabilities, with respect to security, confidentiality, integrity and availability
- value for money, taking into account financial and non-financial costs

- flexibility, including the ability to make changes to software to customise for InternetNZ’s requirements and the degree of ongoing innovation
 - interoperability and ease of use for InternetNZ’s systems, new systems and third party registrant services
- and
- whole-of-life costs, including payment model (e.g. upfront versus ongoing charges).

In considering the above criteria InternetNZ may use the following scoring scale as a guide when evaluating the EOI responses. Resulting individual scores may also be moderated across the whole evaluation panel:

Rating	Definition	Score
Excellent	Significantly exceeds the criterion	9-10
Good	Exceeds the criterion in some aspects	7-8
Acceptable	Meets the criterion in full but at a minimal level	5-6
Minor reservations	Satisfies the criterion with minor reservations	3-4
Serious reservations	Satisfies the criterion with major reservations	1-2

Unacceptable	Does not meet the criterion	0
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9. Briefing opportunities & REOI queries

Potential respondents can make an appointment for a briefing meeting with one of InternetNZ representatives to discuss questions they may have or gain more clarity on particular requirements in regards to the Registry Replacement project and/or the REOI and/or the EOI response.

Briefing sessions are available for the following dates:

- during the ICANN66 Meeting, Montreal, 2nd to 7th November 2019
- between 11th to 15th November 2019 in New Zealand.

To book a briefing meeting, please contact InternetNZ’s Registry Replacement Project Lead Dave Baker via rrp_queries@internetnz.net.nz.

If you would like to ask any questions regarding the process for responding to this REOI, please email: rrp_queries@internetnz.net.nz.

10. Next stage of the EOI process

InternetNZ will convene an evaluation panel comprising members chosen for their relevant expertise and experience. InternetNZ may also invite independent advisors to evaluate any REOI response.

After evaluating the EOI responses, InternetNZ may, without limiting the provisions of clause 12 or any other options available to it, do any of the following:

- prepare a short list of respondents and invite further details from those respondents

- conduct a subsequent procurement process calling for the products, technology and/or services or any similar related goods and/or services

or

- decide not to proceed further with the REOI process or any other procurement process for products, technology and/or services, in connection with the .nz registry system replacement.

11. Lodgement of expressions of interest

The closing date for responses to this REOI is Friday 29 November 2019, 12pm (New Zealand daylight saving time, UTC+13)

EOI responses must be lodged electronically by emailing rrp_submissions@internetnz.net.nz

Respondents must include 'EOI submission from [insert]' in the subject line of their email submission.

EOI responses submitted after the above date may be accepted at InternetNZ's sole discretion.

Respondents that are unable to meet the closing date should discuss their concerns with InternetNZ's by email to rrp_queries@internetnz.net.nz prior to the closing date, by 15 November 2019.

InternetNZ may, at its discretion, extend the closing date.

12. Reservation of rights

Notwithstanding anything else in this REOI, InternetNZ reserves the right (without any duty to account to or otherwise compensate any respondent), in its absolute discretion at any time, to vary or extend any time or date specified in this REOI for all or any respondents, or terminate the participation of any respondent or any other person in the REOI process.

In addition to the provisions set out at clause 10 of this REOI, InternetNZ also reserves the right at any time, at its sole discretion and for any reason to:

- require additional information from respondents
- change or waive the scope of its requirements or the process and steps set out in this REOI without notice
- seek clarification and/or an adjustment of some aspects of a prospective supplier's response
- re-invite responses to the REOI on the same or any alternative basis
- amend or change the evaluation methodology and/or the weighting and/or any criteria and/or scoring scale from that set out in this REOI
- use the information or materials submitted in any EOI response for any purpose it deems to be appropriate
- accept none or any of the responses; or
- at any time withdraw the REOI.

13. Requests for clarification/questions

Any questions or requests for clarification or further information regarding this REOI or the EOI response process must be submitted to InternetNZ by potential respondents in writing, to rrp_queries@internetnz.net.nz on or before 15 November 2019.

Potential respondents have the opportunities to meet with InternetNZ's representatives to discuss questions they may have or gain more clarity on particular requirements in regards to the Registry Replacement project and/or the EOI response (referred to in Section 9).

InternetNZ is not obliged to respond to any question or request for clarification or further information.

InternetNZ may make available to other prospective respondents' details of such a request for clarification together with any response, in which event those details shall form part of this REOI.

14. Unauthorised communication

All enquiries regarding this REOI must be directed by email to rrp_queries@internetnz.net.nz. Respondents must not directly or indirectly approach any representative of InternetNZ or any other person to solicit information concerning any aspect of this REOI.

Communications (including promotional or lobbying activities, gifts or entertainment) with staff, executives and/or Council members of InternetNZ is not permitted during the REOI process except as provided under clause 13 above, or otherwise with the prior written consent of InternetNZ.

This does not prevent communications with staff of, or consultants to, InternetNZ to the extent that such communications do not relate to this REOI or the EOI response process.

15. Correction of errors

If a respondent identifies an error in their EOI response after lodgement (excluding clerical errors which would have no bearing on the evaluation), they must promptly notify InternetNZ.

InternetNZ may at its discretion permit a respondent to correct an unintentional error in its EOI response where that error becomes known or apparent after the EOI response closing time. No correction will be permitted if InternetNZ reasonably considers that the correction would materially alter the substance of the EOI response.

16. Privacy and confidentiality

InternetNZ will retain all documents and materials supplied as part of an EOI response and may make use of any information or materials supplied for any purpose reasonably related to the EOI response, including release to external consultants and advisers of any organisation engaged to assist with the EOI response process.

Any personal information provided to InternetNZ as part of the EOI response will be handled and protected in accordance with InternetNZ's privacy policy

(<https://internetnz.nz/nz-principles-and-responsibilities>).

Respondents must not make blanket claims of confidentiality in respect of their response but, if necessary, respondents may clearly mark any information which they wish to have treated as confidential information. InternetNZ will use reasonable endeavours to protect the respondent's confidential information.

InternetNZ may make periodic public statements concerning the progress of the EOI response process, which may include the name of organisations or individuals that have submitted responses to the REOI.

The respondent must maintain in confidence the contents of its EOI, any material supplied to it by InternetNZ which InternetNZ nominates as confidential, and the fact and contents of any discussions or interviews with InternetNZ. The respondent will only disclose such information to other professionals it engages to assist it in this EOI response process or where required by law.

17. Conflict of interest

Except to the extent identified as part of a respondent's EOI response, the respondent represents and warrants that they are not in a position which may, or does, give rise to an actual, potential or perceived conflict of interest with this REOI.

18. Additional terms and conditions

18.1. Acceptance of terms & conditions

Without limiting any other term or condition in this REOI, a respondent will, by lodging an EOI response, be deemed to have accepted all the terms contained in this REOI. No binding legal relationship is created by the REOI except in respect of:

- (a) the respondent's declaration in its EOI response
- (b) any statements, representations and/or warranties in the respondent's EOI response and in its correspondence with InternetNZ (including during the evaluation panel process); and
- (c) the obligations of privacy and confidentiality (clause 16), conflict of interest (clause 17), collusive or anti-competitive conduct (clause 18.6) Intellectual Property (clause 18.7), no warranties or representations (clause 18.8), liability (clause 18.9) and governing law (clause 19).

18.2. Offer to contract

This REOI does not constitute an offer by InternetNZ to enter into an agreement or any contract for the provision of the products, technology and/or services (or any other goods or services).

No action or inaction in relation to this REOI or any EOI response submitted by a respondent, creates any contract or binding obligations of any kind upon InternetNZ. InternetNZ makes no representation in relation to any evaluation process for any responses submitted or that any respondent will be selected.

InternetNZ reserves the right to amend or terminate the REOI process at any time. InternetNZ is not obliged to provide reasons for its actions.

18.3. Responsibility for costs

Respondents bear their own costs and expenses (including any advisory costs) associated with the process and the preparation of an EOI response.

18.4. Overseas respondents

Overseas-based organisations and individuals are eligible to respond to this REOI.

18.5. Consortium

Where the respondent is a member of a consortium, their response must stipulate which parts of the products, technology and/or services that each entity comprising the consortium would provide and how the parties would relate to each other to ensure provision of the required products, technology and/or services. It is InternetNZ's strong preference that one member of the consortium takes a prime vendor role and that the additional information listed in clause 6 is provided in the EOI response.

All consortium members are to provide details relating to their legal structure and where applicable provide details of any special purpose vehicle established (or proposed) for the supply of the products, technology and/or services in connection with its EOI response.

18.6. Collusive or anti-competitive conduct

Respondents and their officers, employees, agents, advisers and representatives must not engage in any collusion, anti-competitive or similar conduct with any other respondent or any other person in relation to the preparation, content or lodgement of their response.

In addition to any other remedies available to it under law or any contract, InternetNZ may, in its absolute discretion, disqualify a respondent that it considers has engaged in any such collusive or anti-competitive conduct.

18.7. Intellectual property

Persons obtaining or receiving this REOI and any other documents issued in relation to this request for EOI may only use them for the purpose of preparing an EOI response.

All intellectual property rights in the REOI and any information provided by InternetNZ to any respondent in relation to this REOI are retained by InternetNZ.

Intellectual property rights may exist in this REOI or any other documents provided to the respondents by or on behalf of InternetNZ, and where those intellectual property rights are owned or otherwise held by InternetNZ, the respondent must not do anything that would endanger, be inconsistent with, infringe or challenge those rights.

18.8. No warranties or representations

This REOI contains statements derived from information which InternetNZ believes to be reliable at the date obtained, but does not purport to provide all of the information which may be necessary or desirable to enable respondents to determine whether to submit an EOI response.

It is a respondent's responsibility to examine this REOI, examine all other information available on reasonable enquiry and satisfy itself as to the completeness and sufficiency of its EOI response.

While every attempt has been made to ensure the accuracy of details in this REOI, InternetNZ makes no warranty or representation as to the currency, accuracy, reliability or completeness of the content of this REOI (and the contents cannot be relied upon). Each respondent represents and warrants that its EOI response is true, accurate and not misleading.

18.9. Liability

To the maximum extent permitted by law, InternetNZ excludes all liability for all loss or damage (including consequential loss or damage), suffered or incurred by any person, firm or company, as a

result of the use of, or reliance on this REOI or any further information or representations made by InternetNZ, in any form, in relation to this REOI, or otherwise in connection with this EOI response however caused, whether in contract, tort (including negligence), in equity, under statute or on any other basis.

18.10. InternetNZ decisions

InternetNZ's decisions are final and InternetNZ is not required to provide feedback to unsuccessful respondents.

19. Governing law

This REOI is governed by the laws applying in New Zealand. Each respondent must comply with all relevant laws in preparing its response and in taking part in the REOI process. Each respondent submits to the exclusive jurisdiction of the courts of New Zealand.