



Government  
of South Australia

Department for  
Energy and Mining

Mr Stephen Patterson MP  
South Australian Parliament  
4 Byron Street  
GLENELG SA 5045

By email: [morphett@parliament.sa.gov.au](mailto:morphett@parliament.sa.gov.au)

Dear Mr Patterson

I am writing in relation your application made under the *Freedom of Information Act 1991* (the FOI Act) seeking access to the following:

*A copy of any briefings, memorandums, emails and other documents relating to Amendment 1 - Request for Proposal extension to Submission close date for Tender Code DEM052571.*

In accordance with Premier and Cabinet Circular PC045, if you are given access to documents as a result of this FOI application, details of your application, and the documents to which access is given, may be published in the agency's disclosure log. A copy of PC045 can be found at <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars>.

A search has been conducted and five (5) documents were discovered that fall within the scope of your application. The documents are identified in the attached schedule. In respect of the documents, I have determined that they can be released as follows:

### **Document 1**

I have determined that this document should be released in part.

The parts to which I have not granted you access are the names and email addresses of third parties, and the mobile telephone numbers of employees. In addition, I have not granted you access to information relating to the business affairs of third parties.

Under Clause 6(1) of Schedule 1 to the FOI Act, a document is an exempt document if its disclosure would involve the 'unreasonable disclosure of information concerning the personal affairs of any person'. This information falls within the definition of personal affairs under the FOI Act and is therefore exempt from release pursuant to Clause 6(1).

Under Clause 7(1)(c) of Schedule 1 to the FOI Act a document is an exempt document if it consists of information concerning the business, professional, commercial or financial affairs of any agency or any other person. This document contains information concerning the business affairs of a private companies, the disclosure of which could reasonably be expected to have an adverse effect on those affairs.

In considering the grounds for exemption under Clause 7(1)(c), I have considered the public interest for and against disclosure.

I acknowledge the strong public interest in fulfilling the objects of the FOI Act, including promoting openness and accountability within government agencies. Other factors in favour of disclosure include enabling effective oversight of government expenditure and providing applicants with documents of special interest to them.

Factors weighing against disclosure include the public interest in protecting the commercial and business affairs of third parties. The document contains information relating to third-party organisations who are interested in submitting a proposal to a current Request for proposal (RfP) process, the outcome of which will be important to the future profits of these businesses. The disclosure of the information could reasonably be expected to have an adverse effect on the business affairs of these third parties, serving to reduce their business advantage in a competitive field, weakening future tendering processes and negotiating positions with future clients.

I have also considered the public interest in ensuring the effective conduct of the department's functions and the need for some confidentiality to allow the department to operate efficiently. Release of the information relating to a process that is currently underway is likely to prejudice this process, as well as future proposals and forthcoming procurement. Release could prejudice the future supply of such information to the agency if these third parties aren't assured of confidentiality. Disclosure of the information may also provide unfair advantages to some businesses in this and future tender processes.

On balance, I have determined that it is contrary to the public interest to release the information that has been redacted under Clause 7(1)(c).

### **Document 2**

I have determined that this document should be released in part.

The part to which I have not granted you access is the mobile telephone number of an employee.

Under Clause 6(1) of Schedule 1 to the FOI Act, a document is an exempt document if its disclosure would involve the 'unreasonable disclosure of information concerning the personal affairs of any person'. This information falls within the definition of personal affairs under the FOI Act and is therefore exempt from release pursuant to Clause 6(1).

### **Documents 3 and 5**

I have determined that these documents should be released in full.

### **Document 4**

I have determined that this document should be released in part.

Information contained within this document, that is not relevant to your application, has been redacted and marked as "Out of scope".

### **Exemptions**

For your information, the following exemptions apply:

### **Clause 6 – Documents affecting personal affairs**

- (1) *A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

### **Clause 7 – Documents affecting business affairs**

- (1) *A document is an exempt document –*
- (c) *If it contains matter –*
- (i) *consisting of information (other than trade secrets or information referred to in paragraph (b)) concerning the business, professional, commercial or financial affairs of any agency or any other person; and*
  - (ii) *the disclosure of which –*
    - (A) *could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of such information to the Government or to an agency; and*
    - (B) *would, on balance, be contrary to the public interest.*

### **Appeal Rights**

If you are dissatisfied with this decision, you are entitled to exercise your rights of review and appeal as outlined in the attached documentation.

Yours sincerely



Julianne Cirson  
**Accredited FOI Officer**

9 March 2023

## SCHEDULE OF DOCUMENTS

Freedom of Information application by Mr Stephen Patterson, seeking access to:

*A copy of any briefings, memorandums, emails and other documents relating to Amendment 1 - Request for Proposal extension to Submission close date for Tender Code DEM052571.*

<b>Doc No</b>	<b>Description</b>	<b>Exemption Clause(s)</b>	<b>Determination</b>
1	Email dated 2 January 2023, 5:39pm	Clause 6 – Personal affairs  Clause 7(1)(c) – Business affairs	Document released in part
2	Email dated 6 January 2023, 5:14pm	Clause 6 – Personal affairs	Document released in part
3	Email dated 6 January 2023, 6:10pm		Document released in full.
4	Attachment to document 3 - CE Briefing dated 6 January 2023	Information not relevant to your application has been marked as “Out of scope”.	Document released in part
5	Attachment to document 4 - Document titled Amendment 1: RFP Submission Close Date		Document released in full.

## Whelan, Natalie (DEM)

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**From:** Ragg, Peter (OHPSA)  
**Sent:** Monday, 2 January 2023 5:39 PM  
**To:** Crafter, Sam (OHPSA); Reid, Martin (OHPSA); Butler, Amy (OHPSA); Hawkes, Peter (OHPSA); Kelly, Greg (OHPSA)  
**Cc:** Turner, Kara (OHPSA); Temby, Jemma (DEM); Coulson, Evelyn (OHPSA); Cotis, Thea (OHPSA)  
**Subject:** Re: [Clarification] SA hydrogen Job Plan RFP - **Clause 7(1)(c)** SEC=OFFICIAL]

Hi Sam

Happy New Year! And thank you for forwarding both the **Clause 7(1)(c)** emails. With regard to the requests to extend the response time, I think they should be considered and allowed as long as:

- the duration of the proposed extension would not put at risk the already tight project timetable: a couple of weeks is probably okay, but a couple of months would probably be unacceptable
- the likely benefit to the project outcome is considered sufficient to warrant the change: e.g. higher quality / lower risk / responses from first class respondents

Best regards

Peter R

**Clause 6(1)**

Get [Outlook for iOS](#)

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**From:** Crafter, Sam (OHPSA) <Sam.Crafter2@sa.gov.au>  
**Sent:** Thursday, December 29, 2022 12:56 pm  
**To:** Reid, Martin (OHPSA) <Martin.Reid@sa.gov.au>; Butler, Amy (OHPSA) <Amy.Butler@sa.gov.au>; Hawkes, Peter (OHPSA) <Peter.Hawkes@sa.gov.au>; Kelly, Greg (OHPSA) <Greg.Kelly@sa.gov.au>; Ragg, Peter (OHPSA) <Peter.Ragg@sa.gov.au>  
**Cc:** Turner, Kara (OHPSA) <Kara.Turner@sa.gov.au>; Temby, Jemma (DEM) <Jemma.Temby@sa.gov.au>; Coulson, Evelyn (OHPSA) <Evelyn.Coulson@sa.gov.au>; Cotis, Thea (OHPSA) <Thea.Cotis2@sa.gov.au>  
**Subject:** FW: [Clarification] SA hydrogen Job Plan RFP - **Clause 7(1)(c)** [SEC=OFFICIAL]

OFFICIAL

Morning all

Hope you are enjoying the break and apologies for the interruption.

For discussion next week good to see in email trail below interest from significant players in **Clause 7(1)(c)** but we will need to decide quickly if we have any appetite for extension of response time.

Also as a heads up I think a quick trip to **Clause 7(1)(c)** will need to happen either mid to late January or perhaps early February if we were to extend the RFP closing date.

Will discuss further with those that are back on deck next week and keep you all in the loop.

Regards  
Sam

**Sam Crafter**  
Chief Executive

**Office of Hydrogen Power SA**

T **Clause 6(1)**  
E [sam.crafter2@sa.gov.au](mailto:sam.crafter2@sa.gov.au)  
W [ohpsa.sa.gov.au](http://ohpsa.sa.gov.au)

Kaurna Country, L4 Wakefield House  
30 Wakefield Street, ADELAIDE SA 5000



**Government of South Australia**  
Office of Hydrogen Power SA

*The Office of Hydrogen Power South Australia acknowledges Aboriginal people as the First Nations Peoples of South Australia. We recognise and respect the cultural connections as the traditional owners and occupants of the land and waters of South Australia, and that they continue to make a unique and irreplaceable contribution to the state.*



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**From:** **Clause 6(1)** @austrade.gov.au>  
**Sent:** Thursday, 29 December 2022 10:34 AM  
**To:** Crafter, Sam (OHP SA) <Sam.Crafter2@sa.gov.au>  
**Cc:** **Clause 6(1)** @austrade.gov.au>  
**Subject:** FW: [Clarification] SA hydrogen Job Plan RFP - **Clause 7(1)(c)** [SEC=OFFICIAL]

**OFFICIAL**

Hi Sam,

I hope you are having a relaxing holiday.

Please see the below email from **Clause 7(1)(c)** that asking for possibility of extension of the RFP.  
I received same requests from **Clause 7(1)(c)** and **Clause 7(1)(c)**.

Is there any possibility to extend the submission?

Best regards,

From: Clause 7(1)(c)  
 Sent: Wednesday, 28 December 2022 3:09 PM  
 To: [OHPSA.enquiries@sa.gov.au](mailto:OHPSA.enquiries@sa.gov.au)

cc: Clause 7(1)(c)

Clause 7(1)(c)

Clause 6(1)

Clause 6(1); Clause 6(1)

Subject: [Clarification] SA hydrogen Job Plan RFP

Dear Sirs

Good Afternoon

This is Clause 6(1), in charge of the hydrogen business.

It is my great pleasure to send this e-mail.

Recently we received information of SA hydrogen Job Plan RFP (Electrolysis 250 MW + Power generation 200MW) from Australian Embassy.

We highly appreciated the various hydrogen business opportunities from your South Australian Government.

According to the RFP, the submission will be closed at 21 February 2023 5.00pm ACDT.

Since the deadline of RFP submission is very tight, we would like to carefully check that there is an extension possibility of RFP submission or not.

If there is extension possibility, we would like to check the how long can be extended.

We are looking forward to receive your clarification.

If you have any questions, please let us know.

Best Regards,

Clause 7(1)(c)

**Whelan, Natalie (DEM)**

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**From:** Turner, Kara (OHPSA)  
**Sent:** Friday, 6 January 2023 5:14 PM  
**To:** Crafter, Sam (OHPSA)  
**Subject:** FW: DEMC23/00014 : 20230106 - OHPSA - Amendment to Request for Proposal (RfP) Submission Close Date  
**Attachments:** 20230106 - OHPSA - Amendment to Request for Proposal (RfP) Submission Close Date.tr5  
**Importance:** High

OFFICIAL

Hi Sam,

I have sent this Brief to Martin to approve.

Ev is on standby to upload the addendum and change the date.

Thanks,

Kara

Kara Turner  
 Acting Manager, Policy and Government Relations

Office of Hydrogen Power SA  
 T [REDACTED] M Clause 6(1)  
 E kara.turner@sa.gov.au  
 W ohpsa.sa.gov.au  
 Level 4, Wakefield House, 30 Wakefield Street, Adelaide, South Australia 5000

-----Original Message-----

**From:** Turner, Kara (OHPSA)  
**Sent:** Friday, 6 January 2023 4:46 PM  
**To:** Reid, Martin (OHPSA) <Martin.Reid@sa.gov.au>  
**Subject:** DEMC23/00014 : 20230106 - OHPSA - Amendment to Request for Proposal (RfP) Submission Close Date  
**Importance:** High

OFFICIAL

Hi Martin,

On advice from Procurement Services SA, the change of the date needs to be approved by the CE so a Brief is required. See attached for approval before it goes to Sam.

Procurement has recommended we don't update the RFP document to avoid confusion.

Thanks,

Kara

-----< Content Manager record Information >-----



**Whelan, Natalie (DEM)**

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**From:** Crafter, Sam (OHPSA)  
**Sent:** Friday, 6 January 2023 6:10 PM  
**To:** Coulson, Evelyn (OHPSA); Turner, Kara (OHPSA)  
**Cc:** OHPSA:OCE; Reid, Martin (OHPSA)  
**Subject:** FW: FOR APPROVAL - URGENT - RFP extension  
**Attachments:** 20230106 - OHPSA - Amendment to Request for Proposal (RfP) Submission Close Date.tr5

OFFICIAL

Hi Ev

Thanks very much for sending this through, it is now signed and approved but as per my earlier message please delay uploading this to Tenders SA until first thing Monday morning.

Kara – thanks very much for all of your work tracking down the procurement advice and getting this prepared today.

Regards  
 Sam

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**From:** Coulson, Evelyn (OHPSA) <Evelyn.Coulson@sa.gov.au>  
**Sent:** Friday, 6 January 2023 5:43 PM  
**To:** Crafter, Sam (OHPSA) <Sam.Crafter2@sa.gov.au>  
**Cc:** Turner, Kara (OHPSA) <Kara.Turner@sa.gov.au>  
**Subject:** FOR APPROVAL - URGENT - RFP extension

Hi Sam

I understand this one is now ready for your approval.

Please text me once approved and when I get home I'll update the Tenders site.

Thanks, Ev

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**From:** Coulson, Evelyn (OHPSA)  
**Sent:** Friday, 6 January 2023 3:42 PM  
**To:** Turner, Kara (OHPSA) <[Kara.Turner@sa.gov.au](mailto:Kara.Turner@sa.gov.au)>  
**Subject:** DEMC23/00014 : 20230106 - OHPSA - Amendment to Request for Proposal (RfP) Submission Close Date

OFFICIAL

-----< Content Manager record Information >-----

Record Number : DEMC23/00014  
 Title : 20230106 - OHPSA - Amendment to Request for Proposal (RfP) Submission Close Date



**TO: CHIEF EXECUTIVE**

**SUBJECT: AMENDMENT OF REQUEST FOR PROPOSALS SUBMISSION  
CLOSE DATE**

<b>Decision/Action required by:</b>	6 January 2023
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<b>Business Unit</b>	OHPSA		
<b>Prepared by</b>	Kara Turner Senior Policy and Project Officer (ext. [REDACTED])	KT..... <i>initial</i>	6/01/2023 <i>date</i>
<b>Director</b>	Martin Reid	MR..... <i>signature</i>	6/1/23. <i>date</i>

## RECOMMENDATION

It is recommended the Chief Executive:

- Approve** the amendment of the Hydrogen Jobs Plan Request for Proposals (RFP) submission close date to 14 March 2023.

**Approved/Not Approved**

Sam Crafter  
**CHIEF EXECUTIVE**

Date: / / 2023

Comment

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.....  
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## PURPOSE

- To seek your approval to amend the Hydrogen Jobs Plan Request for Proposals (RFP) submission close date from 21 February 2023 to 14 March 2023 5:00pm ACDT.

## DECISION / ACTION REQUIRED BY

- 6 January 2023 – in order for the SA Tenders and Contracts website to be amended expediently, providing respondents with ample time to respond..

## BACKGROUND

- The Office of Hydrogen Power SA (OHPSA) has developed a Request for Proposal (RFP) which seeks industry partners to help deliver the Hydrogen Jobs Plan by December 2025.
- The RFP was released to the global market via the SA Tenders and Contracts website on Friday, 16 December 2022.
- International interest in the project is high, with more than 200 parties engaging in the RFP process since it opened.

## KEY POINTS

- Since the release of the RFP OHPSA has received feedback from a number of international industry parties seeking more time to develop comprehensive proposals.
- In response to this interest, OHPSA proposes to amend the RFP Submission Close Date from 21 February 2023 to 14 March 2023 5:00pm ACDT.
- An Amendment 1 (Attachment 1) will be posted on the SA Tenders and Contracts website indicating the change to the date, the Procurement Timetable and the relevant RFP document clauses affected.
- All potential proponents who have engaged with the SA Tenders and Contracts website will receive a notification indicating the tender details have been modified.

## PROCUREMENT SUMMARY

- Any extension to a tender period is at the discretion of the Chief Executive, as per Procurement Services SA Sourcing Policy.
- The amendment to the submission date is considered necessary due to feedback received by OHPSA indicating the initial submission date was impacting the ability for potential proponents to develop a comprehensive proposal in the time given, and the strategic importance of the Hydrogen Jobs Plan.



## COMMUNICATIONS STRATEGY

- A media release has been prepared explaining due to the high interest in the RFP and feedback from interested parties, the submission close date will be amended to 14 March 2023.

## CONSULTATION

- Consultation was undertaken with Out of scope  
Procurement Services SA and Out of scope  
Procurement Services SA.

## ATTACHMENTS

- Attachment 1: Amendment 1 – RFP Submission Close Date



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of South Australia

# Amendment 1: RFP Submission Close Date

**Project Name:** Hydrogen Jobs Plan Request for Proposal

**Department:** Department for Energy and Mining

**Reference Number:** DEM052571

This Amendment informs of the following change to the RFP Submission Close Date:

The closing date for responses to the Request for Proposals (RFP) has been amended to 14 March 2023.

Changes to the Procurement Timetable are as follows:

## Procurement Timetable

Milestone	Target Date
Proposal Submission Close	14 March 2023 5.00pm ACDT

Changes to the Request for Proposals document clauses are as follows:

### 1.6 Timetable

**Table 1-1 Procurement timetable**

Milestone	Target Date
Proposal Submission Close	14 March 2023 5.00pm ACDT