



PROCEDURE NO: CCC038

UNSOLICITED PROPOSALS PROCEDURES

May 2019

© Central Coast Council

Wyang Office: 2 Hely St / PO Box 20 Wyong NSW 2259 | **P** 02 4350 5555

Gosford Office: 49 Mann St / PO Box 21 Gosford NSW 2250 | **P** 02 4325 8222

E ask@centralcoast.nsw.gov.au | **W** www.centralcoast.nsw.gov.au | ABN 73 149 644 003

Table of Contents

1. PURPOSE OF THE PROCEDURES	3
2. CONTACT DETAILS AND LODGEMENT	3
3. ROLES AND RESPONSIBILITIES	4
4. WORKFLOW AND STAGES	7
Timing.....	8
Proponent responsibilities.....	8
Council responsibilities	8
Proponent responsibilities.....	8
Council responsibilities	9
Outcomes.....	9
Feedback.....	9
Proponent responsibilities.....	9
Council responsibilities	10
Outcomes.....	10
Feedback.....	10
Disclosure.....	11
Proponent responsibilities.....	11
Council responsibilities	11
Outcomes.....	12
Feedback.....	12
Disclosure.....	12
Proponent responsibilities.....	13
Council responsibilities	13
Outcomes.....	13
Feedback.....	13
Disclosure.....	13
5. DEFINITIONS	14
SCHEDULE OF INFORMATION REQUIREMENTS.....	16
PRE-LODGEMENT MEETING CHECKLIST	20

1. PURPOSE OF THE PROCEDURES

- 1.1. The purpose of the Procedures is to set out the processes to be followed by both Council and Proponents in developing Unsolicited Proposals.
- 1.2. It represents a commitment that may be made by Council to the allocation of resources to meet its responsibilities as outlined in these Procedures.
- 1.3. The Procedures sets out that proposals will be evaluated against Assessment Criteria outlined in Clause 4.2 of these Procedures and Clause 10 of the Unsolicited Proposals Policy.
- 1.4. The Procedures provide for a clear process being a four stage assessment process to guide the evaluation of proposals:
 - Pre-Submission Concept Review
 - Stage 1:
 - a) Initial Submission and Preliminary Assessment
 - b) Strategic Assessment of the Initial Submission
 - Stage 2: Detailed Proposal
 - Stage 3: Negotiation of Final Binding Offer
- 1.5. The Procedures recognise that a Proponent will be entitled to a fair rate of return for its involvement in a project and that outcomes should be mutually beneficial for the Proponent and Council. Further, Council recognises the right of Proponents to derive benefit from unique ideas. The approach to the identification, recognition and protection of intellectual property rights will be addressed and agreed with the Proponent during Stage 1 of the process as set out below.
- 1.6. Where Council assesses a proposal as not meeting the criteria, including uniqueness, Council reserves its usual right to go to market. The Proponent will be provided with the opportunity to participate in any procurement process should the concept be offered to the market, but will have no additional rights beyond those afforded to other market participants. If Council elects to go to market in such circumstances, it will respect any Intellectual Property (IP) owned by the Proponent.
- 1.7. The unsolicited proposals assessment process is separate to other Council statutory approvals processes e.g. environmental and planning. However, where appropriate, the assessment of unsolicited proposals will give consideration to the potential consistency of the proposal with relevant planning and environmental controls, and approvals processes.
- 1.8. A triple bottom line approach (economic, environmental and social) must be applied to the consideration, assessment and implementation of proposals.

2. CONTACT DETAILS AND LODGEMENT

- 2.1. Enquiries and requests for 'pre-lodgement' meetings should be submitted to the Chief Executive Officer.

Unsolicited Proposals Procedure

- 2.2. Once a proposal has been submitted, Council will formally acknowledge receipt of the proposal and provide contact details of the Proposal Manager (refer Clause 3.5 of these Procedures). Council's Proposal Manager is the Unit Manager, Procurement and Projects. The Proposal Manager will be the Proponent's only point of contact in Council regarding the proposal. Once lodged, the proposal is subject to a formal assessment process. Proponents must not contact Councillors, or Council staff, in regard to the submitted proposal, outside of the formal assessment process. This includes organisations authorised to act on the Proponent's behalf.

3. ROLES AND RESPONSIBILITIES

3.1. Proponent

The Proponent is required to:

- Prepare an outline Submission and meet with Council to discuss its unique characteristics and other key principles, prior to lodgement of a formal submission. This involves the Proponent completing an initial Schedule of Information Requirements.
- Prepare and lodge with Council an Initial Submission for Preliminary or Stage 1 Assessment. This involves the Proponent completing the Schedule of Information Requirements and attaching any other relevant information.
- Enter into a Participation Agreement if recommended to proceed to Stage 2.
- Provide a Detailed Proposal at the conclusion of Stage 2.
- Provide a Binding Offer at the conclusion of Stage 3.

3.2. Council

Proposals will be submitted to Council for approval prior to any progression of a proposal to Stage 2 or 3, prior to the signing of any agreement, and prior to provision of any Council funding.

The required approval process will be described to the proponent.

Additional Council approvals may be required for any changes to previously approved commercial terms or Council funding.

3.3. Steering Committees

Unsolicited Proposals Steering Committee

An overarching Unsolicited Proposals Steering Committee may be convened including representatives from Council and local State agencies as appropriate.

Representatives of other agencies may be required to provide resources and input to assist in Steering Committee decision-making. Membership of the Steering Committee may change from time to time.

Unsolicited Proposals Procedure

Proposal Specific Steering Committees

For certain proposals the Council may direct a Proposal Specific Steering Committee be established to oversee assessment of that proposal. This would normally be the case for proposals proceeding to Stage 2 of the assessment process.

Responsibilities

Unsolicited Proposals Steering Committee
Consider recommendations made by the Proposal Manager or Assessment Panel at Stage 1 and agree on proposed course of action
Confirm the unique elements of the proposal and agree on the approach to managing IP
Approve the makeup of the Assessment Panel for Stage 1.b
Agree on feedback to be provided to Proponents at Stage 1
Provide policy and inter-agency input to deliberations
Monitor progress of assessments
Make recommendations to Council at Stage 1
Proposal Specific Steering Committee
Approve the Governance Plan to be applied to Stages 2 and 3
Approve the makeup of the Assessment Panel (and commercial/technical teams) at Stages 2 and 3
Confirm the approach to assessing Value for Money
Ensure relevant policy and project assurance processes are adhered to, where appropriate
Provide policy and inter-agency input to deliberations
Consider recommendations from the Assessment Panel at Stages 2 and 3
Endorse negotiation conditions prior to Stage 3
Make recommendations to Council
Agree feedback to be provided to Proponents

3.5. Proposal Manager

Council's Proposal Manager is the Unit Manager Procurement and Projects will be appointed by Council in order to receive and progress consideration of the Unsolicited Proposal. The Proposal Manager has the following responsibilities, unless otherwise documented in the Governance Plan:

Unsolicited Proposals Procedure

- Receive the Unsolicited Proposal
- Undertake an initial compliance check
- Facilitate the Assessment Panel and/or Steering Committee/Proposal Specific Steering Committee (as appropriate)
- Act as contact point for Proponents
- Facilitate interactions between the Proponent and Council
- Facilitate the preparation of information provided to the Proponent
- Coordinate assessment, including input from advisers
- Coordinate preparation of Assessment Reports
- Provide assistance to Council agencies with a responsibility for assessing Unsolicited Proposals.

If a proposal is referred to another agency at Stage 2 to lead the assessment, then a Proposal Manager from that agency will be appointed.

3.6. **Assessment Panel**

An Assessment Panel comprising appropriately qualified representatives will be established to undertake the assessment. The involvement of the Assessment Panel during Stages 1 and 2 will vary depending on the nature of the proposal.

The Assessment Panel will:

- Report to the Steering Committee or Proposal Specific Steering Committee (as appropriate).
- Participate in meetings with the Proponent, where appropriate
- Assess the Initial Submission and Detailed Proposal against the Assessment Criteria
- Prepare recommendations to be made to the Steering Committee or Proposal Specific Steering Committee (as appropriate)
- Prepare Assessment Reports as required by the Steering Committee or Proposal Specific Steering Committee (as appropriate)
- Consider issues raised by the Steering Committee or Proposal Specific Steering Committee (as appropriate). Prepare a proposed schedule of items for negotiation during Stage 3 (to be approved by the Steering Committee/Project Specific Steering Committee (as appropriate) and/or Council, if required).

3.7. **Advisers**

Advisers may provide expert advice to the Assessment Panel and Steering Committee or Proposal Specific Steering Committee (as appropriate). The following key advisers may be appointed to provide specialist expertise to assist in project scoping and assessment:

- Legal
- Financial
- Technical
- Environmental

Other advisers may be appointed where specialist input is required.

Unsolicited Proposals Procedure

A specialist Project Director may be appointed from Stage 2, particularly for large and/or complex projects.

Advisers are to follow all project governance and probity requirements.

3.8. **Probity Adviser**

At Stage 1, a probity adviser will be appointed for projects where the Steering Committee considers probity risk is sufficient to warrant appointment or for large-scale projects. Probity advisers will be appointed at Stages 2 and 3 of the assessment process.

The role of the probity adviser is to monitor and report on the application of the probity fundamentals during the assessment process. The probity adviser will:

- Assist in the development of a Governance Plan (where applicable).
- Provide a probity report at the end of each stage to be considered by the Steering Committee or Proposal Specific Steering Committee (as appropriate) before the decision to proceed to the next stage (or otherwise). The probity adviser may provide interim reports at key milestones of the assessment or at the behest of the Steering Committee or Proposal Specific Steering Committee (as appropriate).
- Report to the chair of the Steering Committee or Proposal Specific Steering Committee (as appropriate) and will be available to Proponents to discuss probity related matters.

An escalation contact point is provided by Council and the Proponent at Stages 2 and 3.

In the absence of a probity adviser, this role will be undertaken by the Proposal Manager.

Proponents are able to request the appointment of a probity adviser.

4. WORKFLOW AND STAGES

4.1. **Pre-Submission Concept Review State**

For the Proponent to meet with Council (which may at its discretion include relevant agencies, and/or advisers), in order to formally explore whether the proposal is likely to meet the Stage 1 assessment criteria and to guide Proponents in their decision regarding whether to lodge their proposal. A key part of this meeting will be the demonstration of the unique attributes of both the proposal and the Proponent in order to progress through the process. The key attributes, benefits, requirements and assumptions underlying the potential proposal may also be discussed. Council may provide feedback at this stage as to whether it considers that the proposal, as presented, is consistent with the Council's Policy. Notwithstanding this feedback, it is the Proponent's decision as to whether it proceeds with making a formal Stage 1 submission.

This is not a compulsory stage, but Proponents planning to formally submit an unsolicited proposal are strongly advised to arrange such a meeting with Council, prior to committing substantial resources for the development of the proposal.

Timing

It is recognised that there may be numerous discussions at many levels between the proponent and Council stakeholders in order to ascertain Council needs and to better understand the business environment. These are informal discussions and are outside the realm of the Policy.

This initial meeting represents the first formal step in assessing the merits of each Unsolicited Proposal and may be before or after lodgement of the full proposal. Council's strong preference is that this occurs before formal lodging of any proposal and commencement of Stage 1.

Proponent responsibilities

In order for this meeting to be helpful, the proposal needs to be developed to a stage where the key inputs and outcomes have been identified, key assumptions and requirements of Council are clear, and other key elements have been identified. In particular, the unique ability of the proponent to deliver the proposal should be demonstrated and documented. Irrespective of the outcomes of this meeting, proponents may lodge their proposal formally.

Council responsibilities

Where Council is of the view that there is little prospect of the uniqueness criteria being met, it will communicate this to the proponent. In such circumstances, Council reserves the right not to advance assessment of the proposals to Stage 1 assessment as set out below.

4.2. Stage 1 A – Initial Submission and Preliminary Assessment

For Council to undertake a Preliminary Assessment of the proposal in conjunction with the relevant agencies to determine if the submission constitutes an unsolicited proposal and if sufficient justification exists to justify direct dealing and therefore undertake a Stage 1 assessment. Council reserves the right to further consider, or not consider, Unsolicited Proposals beyond this stage at its absolute discretion. The Unsolicited Proposals Steering Committee approves progression to Stage 1: b).

Assessment criteria

Below are the relevant assessment criteria. Additional Criteria relevant to a particular proposal may also be applied at later stages.

Proponent responsibilities

During Stage 1: a), the Proponent is responsible for:

- Preparing an Initial Submission using the *Schedule of Information Requirements Form* attached to these Procedures.
- Identification of unique elements of the proposal
- Responding to requests for further information. The information to be provided will depend on the size and complexity of the proposed project.

Council responsibilities

During Stage 1: a), Council is responsible for:

- Promptly acknowledging receipt of the initial submission.
- Undertaking an initial compliance check to ensure the required information has been provided.
- Requesting further information from the Proponent if required. This may involve clarification meetings with the Proponent in order to promote clarity of Council requirements.
- Undertaking a Preliminary Assessment that will be based on the potential for the proposal to satisfactorily meet the Assessment Criteria.
- Preparing a Preliminary Assessment Report for review and approval by the Steering Committee.
- Steering Committee approval to progress to Stage 1.b), if warranted.
- Notification of the Preliminary Assessment outcome to the Proponent

Outcomes

The following outcomes may result from this stage:

- The Submission is not considered suitable for further consideration. In this case, the Steering Committee will recommend a course of action, for example:
 - Inform Proponent that the submission will not be considered further.
 - Refer Proponent to another procurement process.
 - Refer submission to the relevant agency for consideration under an alternative framework or scheme (e.g. Voluntary Planning Agreement).
 - Refer proponents seeking financial support to the relevant application scheme (e.g. Jobs for NSW: <http://www.jobsforNSW.com.au/>).
 - Refer to relevant agency to investigate the opportunity and/or undertake a procurement process.

Feedback

Proponents will be provided with written feedback on whether their Submission has progressed to Stage 1.b) or reasons for a decision not to proceed with a proposal. In the event that the proposal is referred to an alternative process, as described above, details will be provided.

4.3. **Stage 1 B – Strategic Assessment of Initial Submission**

For Council to undertake a comprehensive initial assessment of the proposal to identify the potential benefit to Council of further consideration and development with the Proponent.

Proponent responsibilities

During Stage 1: b), the Proponent is responsible for:

- Responding to requests for further information. The information to be provided will depend on the size and complexity of the proposed project

Council responsibilities

During Stage 1: b), Council is responsible for:

- Establishment of the Assessment Panel.
- Requesting further information from the Proponent if required. This may involve clarification meetings with the Proponent in order to promote clarity of Council requirements.
- Undertaking a formal assessment. The assessment will be based on the potential for a subsequent Detailed Proposal to satisfactorily meet each of the Assessment Criteria if progressed to Stage 2.
- Preparing an Assessment Report for review and approval by the Steering Committee.
- Preparing a draft Participation Agreement for all proposals deemed appropriate to progress to Stage 2.
- Notification of the initial assessment outcome to the Proponent.
- Council approval to progress to Stage 2, if warranted.

Outcomes

The following outcomes may result from this stage:

- The proposal is considered suitable for progression to Stage 2. The proposal, in concept form, is deemed of sufficient interest to Council to warrant further development and progression to a more defined project either with the original Proponent or with a view to bringing a project to market.
- The proposal is not sufficiently unique to justify direct negotiations with the Proponent. In this case, the Steering Committee will agree a recommended course of action such as those outlined above in Stage 1.a).
- The proposal is considered suitable for referral to the relevant agency for further consideration if the project appears to have merit, requires a relatively low resource commitment by Council, is low risk, affects a single agency only and does not conflict with a whole of Council initiative.
- The Submission is not considered suitable for further consideration.

Feedback

Proponents with proposals considered suitable to proceed to Stage 2 or referral to an agency for further consideration will be provided with the following information:

- A summary of the assessment findings.
- The proposed process for the further development and consideration of a Detailed Proposal, including governance arrangements.
- Guidance regarding: value, scope, appropriate target return on investment parameters, timing, risk and other limitations affecting the Detailed Proposal in order to avoid unnecessary costs for the Proponent.
- A Draft Participation Agreement.
- Written feedback providing reasons for a decision not to proceed with a proposal will be provided.

Disclosure

Information on all Unsolicited Proposals that progress to Stage 2 will be published on Council's website. This may include details of the proponent and proposal, the governance structure for Stage 2, the probity advisor appointed and reasons why the proposal has progressed to Stage 2. Further information may be published as appropriate. Council will consult with the Proponent before any information is disclosed to ensure that commercially sensitive information remains confidential.

Generally, Council seeks to disclose all proposals in this stage. In some cases, Proponents may request that proposals are not listed, if this would pose significant risks to commercial negotiations or IP. Council considers each request and may agree not to disclose a proposal. The ability to undertake an assessment in confidence is considered essential to creating a receptive environment to elicit innovative private sector proposals.

4.4. **Stage 2 – Detailed Proposal**

For the Proponent and Council to work cooperatively in the development and assessment of a Detailed Proposal, which may require a degree of preliminary negotiation on key issues, subject to the nature of the proposal.

Proponent responsibilities

During Stage 2, the Proponent will:

- Enter into a Participation Agreement
- Attend the Establishment Meeting
- Participate in Proposal Development Workshops
- Prepare and submit a Detailed Proposal in a form previously agreed with Council that addresses each of Council's Assessment Criteria. This may include (where appropriate):
 - draft commercial terms for Council's consideration
 - a (Preliminary) Business Case and/or economic appraisal.

Council responsibilities

During Stage 2, Council will:

- Establish a Proposal Specific Steering Committee, Assessment Panel and associated governance framework
- Prepare an internal Governance Plan (may be updated as appropriate throughout the process)
- Consider the engagement of a specialist Project Director
- Enter into a Participation Agreement
 - Facilitate an Establishment Meeting in order to:
 - Provide feedback to the Proponent regarding risks and concerns with the Initial Submission
 - Provide guidance to the Proponent regarding Council requirements
 - Agree the approach to managing Proposal Development Workshops
 - Advise of the relevant Assessment Criteria
 - Agree the format for the Detailed Proposal, including the information and level of detail required

Unsolicited Proposals Procedure

- Commence discussions concerning the acceptable commercial and legal terms (with a view to developing draft commercial and legal terms that will form the basis of a final binding offer).
- Commit appropriately experienced and qualified resources to participate in the Stage 2 process, including legal, financial and technical advice where appropriate.
- Confirm the approach to assessing Value for Money (which may include investigating benchmarking and preparing a Public Sector Comparator where appropriate).
- Participate in Proposal Development Workshops. Where appropriate, Council may establish commercial/technical teams to guide and liaise with the proponent. These teams will provide information to the Assessment Panel which will in turn report to the Proposal Specific Steering Committee.
- Provide further information to the Proponent to assist with proposal development.
- Receive the Detailed Proposal.
- Undertake assessment of the Detailed Proposal (by the Assessment Panel) against each of the Assessment Criteria.
- Request further information from the Proponent as required.
- Prepare an Assessment Report (by the Assessment Panel) and make recommendations to the Proposal Specific Steering Committee.
- Make recommendations to Council.
- Council approval to progress to Stage 3, if warranted.

Outcomes

The following outcomes may result from this stage:

- The Detailed Proposal is considered acceptable to progress to Stage 3. Ideally, commercial terms should be agreed by Council and the Proponent, and will form the basis of a Final Binding Offer.
- The Detailed Proposal not considered suitable for further consideration.

Feedback

- Proponents progressing to Stage 3 will be provided with a draft Stage 3 Agreement and a schedule of items and issues to be negotiated (this may be provided separately to the Stage 3 Agreement).
- Written feedback providing reasons for a decision by Council to not proceed will be provided.

Disclosure

At the end of Stage 2, the Council's website will be updated with the assessment outcome.

Other Information will also be published, such as reasons why the proposal has or has not progressed to Stage 3, the governance structure for Stage 3 and the probity advisor appointed.

Further information may be published as appropriate. Council will consult with the Proponent before any information is disclosed to ensure that commercially sensitive information remains confidential.

4.5. Stage 3 – Negotiation of Final Binding Offer

To finalise all outstanding issues with a view to entering into a binding agreement.

Proponent responsibilities

During Stage 3, the Proponent will:

- Enter into a 'Stage 3 Agreement'
- Participate in the negotiation process
- Submit a Binding Offer, including appropriate legal and commercial terms.

Council responsibilities

During Stage 3, Council will:

- Enter into a 'Stage 3 Agreement'
- Inform the Proponent of the process and protocols for negotiation
- Provide the Proponent with a schedule of items for negotiation
- Prepare an internal Governance Plan (may be updated as appropriate throughout the process)
- Commit appropriately qualified resources to complete negotiations, including legal, financial and technical advice where appropriate
- Undertake a comprehensive assessment of the Final Binding Offer
- Define the appropriate Contract Management arrangements to monitor and ensure contracted outcomes are delivered
- Make recommendations to Council.
- Council approval to accept Final Binding Offer, if warranted.

Outcomes

The following outcomes may result from this stage:

- Recommendation recommendations and ongoing procedures
- Written feedback providing reasons for a decision to not proceed will be provided.

Feedback

- Notification recommendations and ongoing procedures
- Written feedback providing reasons for a decision to not proceed will be provided.

Disclosure

At the end of Stage 3, the Council website will be updated with the assessment outcome. Other Information will also be published, such as reasons why the proposal has been accepted or not accepted. Further information may be published as appropriate.

Subject to the nature of the proposal, where a Final Binding Offer has been accepted, the relevant agency will comply with the Council's standard public disclosure requirements, such as those described in the Government Information (Public Access) Act 2009 (NSW).

Council will consult with the Proponent before any information is disclosed to ensure that commercially sensitive information remains confidential.

5. DEFINITIONS

The following definitions are used in this procedure:

- (a) **Assessment Criteria** means the criteria upon which Unsolicited Proposals will be assessed.
- (b) **Assessment Panel** means a panel of Council representatives established to assess an Unsolicited Proposal (this may include specialist advisers).
- (c) **Council** means Central Coast Council.
- (d) **Detailed Proposal** means a submission by a Proponent to Council at the conclusion of Stage 2.
- (e) **Final Binding Offer** means a formal proposal submitted by the Proponent at the conclusion of Stage 3 which is capable of acceptance by Council.
- (f) **Council Website** means www.centralcoast.nsw.gov.au
- (g) **Initial Submission** means a submission by the Proponent during Stage 1 which briefly describes the Unsolicited Proposal (in accordance with the Schedule of Information Requirements).
- (h) **Initial Schedule of Information Requirements** means information to be prepared by Proponent in preparation for pre-lodgement meeting with Council.
- (i) **Intellectual Property** means inventions, original designs and practical applications of good ideas protected by statute law through copyright, patents, registered designs, circuit layout rights and trademarks; also trade secrets, proprietary know-how and other confidential information protected against unlawful disclosure by common law and through additional contractual obligations such as Confidentiality Agreements.
- (j) **Participation Agreement** means a signed by Council and the Proponent at the commencement of Stage 2.
- (k) **Proponent** means the person or organisation that submits an Unsolicited Proposal.
- (l) **Proposal Manager** means the person with responsibility for coordinating Council input for the receipt and assessment of an Unsolicited Proposal.
- (m) **Public Sector Comparator (PSC)** means an estimate of the net present value of a project's whole life costs and revenues using the most efficient and likely form of Council delivery.
- (n) **Reference Project** means the basis for calculating the PSC, reflecting Council delivery of the project by traditional means.
- (o) **Shadow Bid Model** means the Council's best estimate of a private party bid price.
- (p) **Stage 3 Agreement** means an agreement signed by Council and the Proponent at the commencement of Stage 3.
- (q) **Steering Committee** means a committee of senior Council representatives with responsibility for oversight of Council consideration of Unsolicited Proposals (this may include independent chair/members).

Unsolicited Proposals Procedure

- (r) **Unsolicited Proposal** means an approach to Council from a Proponent with a proposal to deal directly with Council over a commercial proposition, where Council has not requested the proposal. This may include proposals to build and/or finance infrastructure, provide goods or services, or undertake a major commercial transaction.
- (s) **Value for Money** means the overall value of a proposal to Council (refer to Clause 10 of the Unsolicited Proposals Policy for further details).

SCHEDULE OF INFORMATION REQUIREMENTS

This form is to be completed by organisations in presenting an Unsolicited Proposal to Council (note: must be a registered organisation). Please ensure all sections of this form are adequately addressed. Information may be presented in the form of cross referenced addenda if preferred.

Organisation Name:		Address:	
Identity:	[Individual, sole trader, company, etc.]	Type of organisation:	[Profit / non-profit, educational, small
Contact person(s) details for evaluation purposes:		Date of submission	
Concise title and abstract of proposal (approx. 200 words)			
<p>Short Title</p> <p>Abstract</p>			
Proposal details			
<ul style="list-style-type: none"> i. Objectives of the proposal ii. Method of approach iii. Nature and extent of anticipated outcomes iv. Benefits the proposal will bring to Council 			
Assessment Criteria			

Unsolicited Proposals Procedure

Please provide a brief description of how the proposal would meet each of the assessment criteria. Refer to section 3.3 of these Procedures for detailed description of each criteria and items to be addressed.

1. Uniqueness i.e. what are the unique elements of the proposal that would provide justification for Council entering into direct negotiations with the Proponent? Unique elements may include characteristics such as:
 - Intellectual property or genuinely innovative ideas
 - Ownership of real property
 - Ownership of software or technology offering a unique benefit
 - Unique financial arrangements
 - Unique ability to deliver strategic outcome
 - Other demonstrably unique elements.
2. Value for money
3. Whole of Council impact
4. Return on investment
5. Capability and capacity

Financial and commercial details

Please provide a brief description of the financial and commercial details of the proposal and the proponent's financial capacity to deliver the proposal. Clearly explain what the proposed commercial proposition is.

Costs and Requirements of Council

Please provide details of costs to Council.

Clearly explain the requirements of Council emerging from the proposal (what are you seeking from Council?). This may include legislative/regulatory amendments, finance or the use of Council assets, facilities, equipment, materials, personnel, resources and land. What would be the cost of Council providing this? (e.g. what would be the value of the Council land?)

Risks

Please provide a list of proponent and Council risks.

Organisation

Unsolicited Proposals Procedure

<p>Please provide a brief description of:</p> <ul style="list-style-type: none"> i. Your organisation ii. Previous experience in delivery of similar project iii. Past performance operating similar project iv. Facilities to be used (e.g. land owned by proponent or Council land) 			
<p>Intellectual property</p>			
<p>If applicable please provide a description of the following:</p> <ul style="list-style-type: none"> i. Inventory of each item of intellectual property ii. Nature of the intellectual property claimed (e.g. copyright, patent, etc.) iii. The owner(s) of the intellectual property claimed iv. Registration details (where applicable) v. Details of any items for which confidentiality is wholly or partly claimed. 			
<p>Other statements</p>			
<p>For example, please detail any applicable organisational conflict of interest and environmental impacts.</p>			
<p>Preferred contractual arrangements</p>			
<p>Agency points of contact</p>			
<p>If applicable, please provide <u>names and contact information</u> of any other agency and Council points of contact already contacted regarding this proposal.</p>			
<p>Period of time for which the proposal is valid</p>	<p>Minimum six months</p>	<p>Proposed duration of the arrangement</p>	

Unsolicited Proposals Procedure

This proposal is to be signed by a representative of the proponent authorised to represent and contractually bind the proponent.

Name: _____

Position: _____

Signature: _____

Date: _____

Unsolicited Proposals Procedure

PRE-LODGEMENT MEETING CHECKLIST

The following checklist should be completed prior to the formal "Pre-Lodgement" meeting with Council.

		YES	NO
1	Have you completed the initial Schedule of Information Requirements form?	•	•
2	Are you the only party that could deliver your proposal?	•	•
3	Have you documented why the product/service you are proposing (or similar) cannot be delivered by a competitor?	•	•
4	Do you own any intellectual or real property required for your proposal?	•	•
5	Have you documented your ownership of any intellectual or real property required for your proposal?	•	•
6	Does your proposal contain unique elements that could not be replicated by others, other than related intellectual or real property?	•	•
7	Does your proposal contain unique elements that would require Council to contract with your company if Council went to tender?	•	•
8	Have you documented the unique elements (other than related intellectual or real property) of your proposal that could not be replicated by others, and which provide tangible benefits to Council?	•	•

Unsolicited Proposals Procedure

		YES	NO
9	<p>If you answered "NO" to any questions, have you documented in the (initial) Schedule of Information Requirements form the basis you believe Council should consider your proposal, given that it is likely it does not meet basic "uniqueness" criteria as set out in these Procedures.</p> <p>Note – in some cases Council may recognise merit in your proposal, but want to ask the market to confirm value for money. Please discuss this with Council in the Pre-Lodgement meeting.</p>	•	•