

Unsolicited Proposals

Council Policy



Policy Name	Unsolicited Proposals		
Type	Council Policy		
Owner	Elected Members		
Responsible Officer	Chief Financial Officer		
Decision Number	21419	Approval Date	1/02/2021
Records Number	Add number here	Next Review Date	February 2025

1 Purpose

The purpose of this policy is to outline the way in which Council will deal with unsolicited proposals. Council will consider unsolicited proposals on merit and in the context of Council priorities.

This policy is designed to encourage non-government sector participants to approach Council with innovative commercial proposals, where Council has not requested a proposal and the proponent is uniquely placed to provide a value-for-money solution.

The policy objective is to provide consistency and certainty to non-government sector participants seeking to deal directly with Council and covers ideas individuals or organisations want to undertake either in partnership with or utilising some Council asset or resources.

2 Definitions

For the purposes of this policy, the following definitions apply:

Term	Definition
Unsolicited proposals	An approach to Council from a proponent with a proposal to deal directly with the Council over a commercial proposition, where the 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.

3 Policy Statement

Unsolicited proposals can have the potential to help Council deliver on its strategic plan through partnerships with people and organisations that share a common strategic vision for Alice Springs.

All proposals will be directed to the Chief Executive Officer for coordination of the assessment and recommendation process.

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3.1 Unsolicited Proposals

Elements of an unsolicited proposal that may be considered new, unique or innovative include characteristics such as:

- a. intellectual property or innovative ideas;
- b. ownership of software or technology offering a unique benefit;
- c. unique financial arrangements;
- d. ability to deliver a strategic outcome;
- e. other demonstrably new, unique or innovative elements that would not be entirely realised or available through an open competitive process; and
- f. ownership of a key piece of infrastructure or land or any augmentation of existing infrastructure or land (either by Council or the proponent).

Determinations of whether there are any elements that are new, unique or innovative are made by Council and are subjective.

3.1.1 Proposal Content

Proposals should provide sufficient information to enable them to be assessed against the criteria contained at Assessment Process. Generally, it would be expected that proposals contain the following information:

- a. outline of the proposal;
- b. objectives of the proposal;
- c. unique or distinctive element(s) of the proposal;
- d. rationale, if any, for not participating in an open competitive process;
- e. nature and extent of anticipated outcomes;
- f. public benefits the proposal will bring to the Northern Territory;
- g. financial and commercial details, including sources of funding and a cost estimate;
- h. the nature of support requested from Council including why Council support is necessary for the project to proceed;
- i. details of intellectual property;
- j. details of the proponent(s); and
- k. proposed duration of the arrangement.

A proposal must contain a clear statement that Council may submit the proposal to a competitive process if Council exercises its discretion not to proceed with a proposal at any time. Any proposal that seeks to deny Council this right may not be progressed under this policy.

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3.2 Equal Opportunity and Confidence

If there is merit in an unsolicited proposal, equal opportunity will generally be afforded to other participants to submit proposals, however due regard will be given to the possible intellectual property or commercial-in-confidence information in the proposal. The capacity for an assessment to be undertaken in confidence is crucial to developing a receptive and open environment to receive innovative proposals.

3.3 Assessment Process

3.3.1 Step 1 – Initial Review

The CEO will undertake an initial review to determine whether the proposal is considered to be an unsolicited proposal.

3.3.2 Step 2 – Strategic Assessment

3.3.2.1 Strategic Eligibility Criteria

The CEO will undertake a strategic assessment of the proposal to determine:

- a. alignment with Council policies and priorities;
- b. whether the proposal contains qualities that are new, unique or innovative, and that may not be able to be achieved or fully realised through an open competitive process; and
- c. the level of public benefit.

The CEO may request additional information from the proponent as required.

3.3.2.2 Intellectual Property

Proposals that are determined by the CEO to align with Council policies and priorities; contain qualities that are new, unique or innovative, and have sufficient public benefit, will undergo a formal evaluation (Step 3). The identification, recognition and protection of any intellectual property will be addressed and agreed with the proponent at this stage.

A decision to evaluate an application will not signify any commitment or obligation on behalf of Council.

3.3.2.3 Unsuccessful proposals

Where proposals do not warrant progression to the formal evaluation stage, proponents will be advised accordingly.

3.3.3 Step 3 – Formal Evaluation of Proposal

Proposals that are determined by the CEO at Step 2 as eligible to proceed, will undergo a formal evaluation.

3.3.3.1 Assessment Criteria

The CEO will assess the proposals against the following assessment criteria:

- a. financial viability;
- b. capital requirements;
- c. the rationale, if any, for not participating in an open competitive process;
- d. the level of overall public benefit;
- e. strategic importance and consistency with Council's plans, priorities and strategies;
- f. capability and capacity of proponent to deliver the proposal; including the degree of previous experience of the proponent in the delivery of infrastructure, goods and services;
- g. value to Council – encompassing economic benefit, service delivery, risk allocation, and qualitative outcomes; and
- h. the level of contribution required of Council and how/if it will be repaid either directly, or indirectly through the provision increased benefits to Council.

The CEO may determine additional assessment criteria relevant to a particular proposal to be used in the formal evaluation process and may request additional information from the proponent.

3.3.3.2 Evaluation Report to Council

The CEO's evaluation report will be submitted to the Council for consideration. Where applicable, the evaluation report will recommend a process for progressing the proposal if Council decides to move forward with it. In recommending a process the CEO will consider existing policies and legislation.

Generally, the recommended process will afford other industry participants equal opportunity to submit proposals for the opportunity through an open competitive process. The nature of the competitive process and any recognition of the original proponent will be determined on a case by case basis.

Where a competitive process is not recommended, the CEO must outline the qualities that are new, unique or innovative and that would not be able to be achieved through an open competitive process. In addition, the CEO must outline the process to reach final approval and agreement, considering existing policies.

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3.3.3.3 Decision to Proceed

Following consideration by Council, proponents will be advised of the outcome of the evaluation process, and where applicable, any next steps. It should be noted that a decision to proceed directly with a proponent or through a competitive process will not signify any commitment or obligation on behalf of Council.

3.4 Resource Commitments

The process for developing and assessing an unsolicited proposal will require the commitment of resources by both the proponent and Council. The level of resources committed by Council will be determined on a case by case basis and upon recommendation of the CEO. While this policy seeks to minimise the costs to the proponent, Council will not reimburse costs associated with the unsolicited proposal process incurred by the proponent.

4 Responsibilities

The Chief Executive Officer (CEO) will take the lead role in the receipt and coordination of the consideration of unsolicited proposals through an internal assessment panel.

5 Related Legislation and Documents

Local Government (General) Regulations 2021

Procurement Policy

6 Version History

Version	Date	Action / Description of change made	By
V01-01	12/01/2024	Update to legislation reference and RO	Manager Governance
V01-00	01/02/2021	Original	Council

7 Communication and Training

Will this policy be communicated through internal communications?	Yes
Where will this policy be available?	Website
Will training needs arise from this policy? If yes, who will be responsible.	Chief Financial Officer