UNSOLICITED PROPOSAL PROCESS GUIDE

Adopted: 24 March 2025

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1. BACKGROUND

1.1 As a dynamic, innovative and engaging local government leader, Liverpool City Council may be presented with opportunities to grow and improve from community groups, businesses, other government agencies and other interested parties in the form of Unsolicited Proposals.

1.2 The Unsolicited Proposals Process Guide (Process Guide) is designed to encourage government and private 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.

1.3 Dealing with Unsolicited Proposals will generally involve direct negotiations with proponents and a heightened risk of corruption and failing to achieve value for money. This process assists with managing such risks and should be followed carefully while giving due regard to the requirements of the *Local Government Act 1993* and the ICAC guidelines on Direct Negotiations.

2. OBJECTIVES

2.1 The main objectives of this Process Guide are to provide:

(a) a clear and identifiable process for parties seeking to put forward investment and innovation proposals to Council;

(b) consistency and certainty to government and private sector participants seeking to deal directly with Council;

(c) assurance to Council and the community around transparency, consistency and reporting for unsolicited proposals; and

(d) a framework for assessing such proposals with a view to delivering uniqueness, value for money consistent with Council's strategic direction and existing suite of policies.

3. POLICY STATEMENT

3.1 This Process Guide aims to provide those involved in Unsolicited Proposals within Council with consistency and certainty in the decision-making process.

3.2 The Process Guide also sets out the assessment criteria for Council in assessing Unsolicited Proposals.

4. DEFINITIONS

4.1 This Process Guide should be read in conjunction with Council's Unsolicited Proposal Policy. The Process Guide uses the same definitions as in the Unsolicited Proposal Policy.

4.2 The following additional definitions are used in this Process Guide.

Assessment Criteria	means the criteria set out in section 6.
Governance Plan	means a plan developed by Council to establish how it will comply with legal and probity requirements when assessing an Unsolicited Proposal and developing a business case.
LG Act	means the *Local Government Act 1993* (NSW).
LG Regulations	means the *Local Government (General) Regulation 2021*.
Pre-lodgment Meeting Checklist	means the checklist in Appendix B.
Probity Principles	mean – • accountability of the participants and transparency of the process, • fairness and impartiality in carrying out the process, • management of actual, potential and perceived conflicts of interest, • maintenance of confidentiality and security of documentation and information, and • achieving value for money in the circumstances, as further described by ICAC in *Direct Negotiations: Guidelines for Managing Risk*.
Proponent	means the person bringing an Unsolicited Proposal to Council.
Schedule of Information Requirements	means the template in Appendix C.

5. COUNCIL PROCUREMENT

5.1 Council operates in accordance with the LG Act and the LG Regulations which govern how Council procures goods, works and services. The legislative framework requires Council to follow a statutory tendering process before awarding contracts unless one of the specified exemptions applies.

5.2 Council has a Procurement Policy and Procurement Standards which govern how it procures goods, works and services within the statutory framework. Council's approach to procurement (whether via quotation or tendering) is based on competition in order to achieve value for money in a fair and transparent manner and avoid corruption. Council is committed to complying with the Probity Principles when entering into contracts.

5.3 The Process Guide should not be used in circumstances where competition is available or for Council procurement that is not the subject of an unsolicited proposal. Those arrangements are governed by Council's Procurement Policy and Procurement Standards. The Process Guide is intended to deal with genuinely unique and innovative projects or services with clear and tangible benefits that are brought to Council for consideration.

5.4 The Process Guide is not designed to replace applicable environmental and planning assessment processes. If Council decides to progress an unsolicited proposal, that should not be interpreted as any form of explicit or implied support for planning consents or approvals.

5.5 While direct negotiation with a proponent in response to an Unsolicited Proposal may be pursued, Council's usual procurement approach is to test the market. This generally results in the demonstrable achievement of value-for-money outcomes and provides fair and equal opportunities to all proponents.

5.6 Accordingly, Council will generally only consider proposals where both the proposal and its proponent have unique attributes such that others could not deliver a similar proposal with the same value-for-money outcome. If an equivalent project could be delivered by persons other than the proponent, then the opportunity should be competed.

6. ASSESSMENT CRITERIA

6.1 Council will consider directly negotiating with an individual or organisation that presents an Unsolicited Proposal where:

(a) the proposal falls within one of the exemptions to tendering under the LG Act,

(b) the proposal provides unique benefits and there are no viable alternatives that do not involve direct negotiation,

(c) the proposal is positively assessed by reference to the assessment criteria in this section and Appendix A, and

(d) the requirements of this Process Guide are met (noting that this Process Guide seeks to ensure compliance with ICAC's *Direct Negotiations: Guidelines for Managing Risk*).

6.2 If direct negotiation can be justified, the decision whether to progress an unsolicited proposal will be at Council's absolute discretion.

6.3 Unsolicited proposals will be assessed against the following criteria to determine whether direct negotiation and the unsolicited proposal are justified:

(a) unique benefits of proposal providing justification to directly negotiate,

(b) value to Council; encompassing economic benefit, service delivery, whole-of-life costs, risk transfer, timely achievement of objectives and qualitative outcomes,

(c) whole-of-Council impact, including opportunity cost,

(d) appropriateness of return on investment obtained by the Proponent given project risks,

(e) capability and capacity of the Proponent to deliver the proposal,

(f) affordability, and

(g) appropriate risk allocation.

6.4 A full set of assessment criteria is set out at **Appendix A** together with additional guidance on application of the criteria.

7. THE PROCESS

Introduction

7.1 This section outlines a staged assessment process for the consideration of Unsolicited Proposals. The staged approach builds on, incorporates, and modifies the pre-existing frameworks for contracting, procurement, and financial management set down by the NSW Government, and should be considered in conjunction with Council's Unsolicited Proposal Policy, which outlines the legislative and regulatory requirements under such an approach.

Stages

7.2 Council will follow a staged decision-making process when considering Unsolicited Proposals. This will generally involve:

(a) Pre-submission and Approval to Proceed
(b) Assessment and Business Case
(c) Office of Local Government (**OLG**) Submission and Approvals

Probity

7.3 Council seeks to conduct its commercial dealings with integrity. The assessment of Unsolicited Proposals must be fair, open and demonstrate the highest levels of probity consistent with the public interest.

7.4 Council must at all times seek to comply with the Probity Principles. The probity fundamentals for the assessment of unsolicited proposals are further set out in Council's Probity Standard.

7.5 All Council officers involved in dealing with an unsolicited proposal must complete a conflict of interest declaration. Council officers will not assess unsolicited proposals in which they have a declared conflict of interest.

7.6 Council officers should not carry out multiple roles in the assessment of unsolicited proposals. In accordance with this commitment:

(a) the officer who prepares the screening brief will not be a member of the PCG,

(b) the CEO will not be a member of the PCG,

(c) the probity advisor and other advisors will not be members of the PCG,

(d) members of the PCG will neither prepare not execute contract documents.

Documenting the process

7.7 Council will keep written records of unsolicited proposals and all action taken to assess, determine and progress such proposals. This includes keeping records of all internal and external communications in relation to unsolicited proposals.

8. PART A: PRE-LODGMENT AND APPROVAL TO PROCEED

Commencement

8.1 The process commences with receipt of an unsolicited proposal by Council. An optional initial, pre-lodgement meeting between the proponent and Council is recommended to formally explore whether the proposal is likely to meet the assessment criteria, in particular the uniqueness criteria, and to guide proponents in their decision regarding whether to lodge their proposal.

Contact Details and Lodgement

8.2 The pre-lodgement meeting 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. Enquiries and requests for 'pre-lodgement' meetings to discuss an Unsolicited Proposal should be submitted or forwarded to:

Office of the Chief Executive Officer
Attn: Manager City Economy
Locked Bag 7064
Liverpool NSW 2170

8.3 Proponents must also email their Unsolicited Proposals to the following email addresses:

LCC@liverpool.nsw.gov.au

governance@liverpool.nsw.gov.au

Registration and reporting

8.4 Council's City Economy Unit will maintain a register of all Unsolicited Proposals. The City Economy Unit will keep Council's Governance team informed of action taken in relation to Unsolicited Proposals.

8.5 All Unsolicited Proposals received must be reported to the Audit, Risk, and Improvement Committee. This will be done on a six-monthly basis as part of regular reporting on Governance matters.

Proponent Responsibilities

8.6 At the first stage, the proponent should develop its proposal 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. The unique ability of the proponent to deliver the proposal should be demonstrated and documented.

8.7 The proponent should complete a Pre-lodgement Meeting Checklist before the pre-lodgement meeting. This is intended to assist with identifying whether an Unsolicited Proposal may be capable of satisfying the Assessment Criteria.

8.8 Irrespective of the outcomes of the pre-lodgement meeting, proponents may lodge their proposal formally.

Council's Responsibilities

8.9 The Manager City Economy, or such other manager as may be appointed by Council's CEO, will be the contact-point for initial interactions regarding unsolicited proposals. The Manager is tasked with evaluating the information supplied by the Proponent in conjunction with meeting with Council representatives and stakeholders.

8.10 In addition to maintaining a register of unsolicited proposal projects, the City Economy Unit will act as a gateway and be responsible for maintaining contemporaneous records of all meetings, correspondence, plans and communications with the project stakeholders and proponents. The City Economy Unit will:

(a) meet with proponent,

(b) request further information from the proponent if required, which may involve meeting the proponent to clarify Council requirements, and

(c) advise the proponent on the Assessment Criteria, in particular the uniqueness criteria, and information that may assist with meeting the criteria in Part B of the process.

8.11 Any advice provided by the City Economy Unit will be provided on the basis that it does not fetter Council's discretion in Part B of the process. The proponent must make its own decision whether to proceed to that stage and how it will present its proposal.

Initial Proposal

8.12 An initial Schedule of Information Requirements should be completed by the proponent and submitted as part of the formal Proposal. Once a Proposal has been submitted, Council's City Economy Unit will formally acknowledge receipt of the Proposal within 21 days. Once lodged, the Proposal is subject to a preliminary assessment process.

No Contact

8.13 Once a proponent submits an Unsolicited Proposal, the proponent should only contact the City Economy Unit, or such other person nominated by Council as a point of contact. The Proponent must not contact Councillors or Council officers about the Proposal outside of the formal assessment process. This restriction also applies to agents or authorised parties acting in the Proponent's interest.

Preliminary Assessment

8.14 The City Economy Unit will undertake a preliminary assessment that will be based on the potential for the Proposal to satisfactorily meet the Assessment Criteria.

8.15 Where the Manager City Economy is of the view that there is little prospect of the uniqueness criteria being met, this will be communicated to the proponent. In such circumstances, Council reserves the right not to advance the assessment of the Proposal to the next stage.

Roles and Responsibilities

8.16 During the preliminary assessment, the Proponent is responsible for:

(a) preparing an initial submission in accordance with the Schedule of Information Requirements,
(b) identifying unique elements of the Proposal,
(c) forwarding the initial submission to the Manager City Economy,
(d) responding to requests for further information.

8.17 The information provided by the Proponent should be proportionate to the size and complexity of the proposed project.

8.18 During the preliminary assessment, Council is responsible for:

(a) preliminary assessment based on the Assessment Criteria.
(b) providing proponents with written feedback on whether their Proposal has progressed to the next stage or reasons for a decision not to proceed with the Proposal.

Outcomes

8.19 The following outcomes may result from this stage:

(a) the Proposal is considered suitable for progression to the next stage (consideration by Chief Executive Officer),

(b) the Proposal is considered unsuitable for further consideration.

Screening Brief

8.20 If the preliminary assessment results in a decision to progress to the next stage, in conjunction with the project proponents and any other relevant stakeholders, the City Economy Unit will prepare a screening brief for the information of Council's CEO. Screening at this stage will usually be indicative, limited to the formal Proposal and any other information available at proportionate cost. The screening brief will contain recommendations on whether the project should move to the next level of assessment, based on preliminary consideration of the Assessment Criteria. If it is recommended that a business case is prepared, then budget should be identified for the required work.

Approval to Proceed

8.21 The screening brief will be considered by Council's CEO, who will decide after taking Legal, Governance and Procurement advice whether Council will commit to building a business case. The CEO should only agree to progress Proposals where the matters in section 6 have been demonstrated to an acceptable standard.

8.22 The CEO will consider the Proposal, the screening brief and any other information available to it at the time, including potentially interviewing staff and project proponents. If the CEO decides against proceeding with a formal business case and a more detailed Proposal, the project will end there. If the CEO decides that the Proposal has merit, the CEO may approve the preparation of a formal business case and detailed Proposal.

8.23 The CEO should appoint a dedicated Project Control Group (**PCG**) to assess the Proposal and develop the business case.

Resource Commitments

8.24 In order for a Proposal to progress, Council and the Proponent will be required to commit resources. The staged approach to building the business case as detailed in this framework seeks to balance resource input at each stage in order to reduce the potential for unnecessary expenditure.

8.25 While these guidelines set out information and processes to minimise costs for Proponents, Council will not reimburse costs associated with Proposals.

9. PART B: ASSESSMENT AND BUSINESS CASE

9.1 This section sets out how Council will assess unsolicited Proposals and decide whether to proceed with them. Council's approach will be proportionate to the value of the project and the objectives of the Unsolicited Proposal Policy.

Public notice

9.2 Council will publish a notice of intention to enter into negotiations with the Proponent before proceeding with an assessment of an unsolicited Proposal under this section 9. The notification will provide sufficient information for the public to understand the nature of the Proposal being assessed. The Chair of Council's PCG will be responsible for arranging this publication.

Project Control Group

9.3 A PCG should be established by Council to oversee assessment of the unsolicited Proposal. The objectives of the PCG are to assess whether the Proposal is feasible, to develop a more detailed Proposal and business case and to further advance its preparation and approval as a project.

9.4 The PCG should comprise at least 3 members (not including the probity advisor) and include:

(a) a manager or director who will chair the PCG,

(b) a person with particular expertise in matters related to the Proposal,

(c) a manager or director from a different Council directorate from the chair.

9.5 The PCG may include consultants and other outside agency representatives

9.6 The PCG will seek expert advice as needed to carry out its obligations under this section 9. The following key advisers may be appointed to provide specialist expertise to assist in project scoping and assessment:

(a) legal,

(b) financial,

(c) technical, and

(d) environmental.

9.7 Other advisers may be appointed where specialist input is required. Advisers are to follow all project governance and probity requirements.

Probity advisor

9.8 A probity advisor must be appointed to assist the PCG. Council's Head of Governance will appoint a probity advisor on request from the chair of the PCG. The Assessment Report prepared under section 9.17 of this Process Guide must be accompanied by a written report from the probity advisor.

Memorandum of Understanding

9.9 A Memorandum of Understanding (MOU) should be entered into between Council and the proponent before the PCG proceeds with the assessment and business case. The MOU should align expectations between Council and the Proponent regarding participation in the process.

9.10 The MOU should provide an agreed (but not legally binding) framework for conducting the assessment and business case stage. The MOU will contain details of:

(a) Assessment Criteria and other relevant Council requirements, including an acknowledgement that a Value for Money outcome is a requirement for the Proposal to proceed,
(b) communication channels, including a prohibition on lobbying, and any ethics walls considered appropriate after considering ICAC's publication on the probity aspects of ethics walls,
(c) cost arrangements,
(d) resource commitments,
(e) conflict of interest management arrangements,
(f) confidentiality requirements,
(g) commitment to following an open book approach to discussions,
(h) timeframe,
(i) identification of approval requirements, including planning and environmental approvals,
(j) acknowledgement that Council's separate planning and approval functions are not fettered by the MOU or steps taken under this process.

9.11 The MOU must provide for compliance with the Probity Principles and any legal requirements.

Value for Money

9.12 The central purpose of assessing the Proposal and preparing the business case is to determine whether the project should proceed, having regard to the assessment criteria in section 6. The examination should include consideration of technical, economic, socio-economic, legal and environmental feasibility. Analysis should also be conducted to determine whether proceeding with the Unsolicited Proposal is the best procurement option.

9.13 In developing the business case, the PCG will:

(a) refine project scope and pre-design,

(b) assess technical, economic or socio-economic, legal and environmental feasibility,

(c) conduct a cost/benefit analysis,

(d) assess commercial feasibility and test the market,

(e) assess risks and conduct due diligence tasks,

(f) define the procurement strategy/route and advise on a procurement plan, and

(g) conduct community consultation.

Proponent Responsibilities

9.14 During the assessment and business planning stage, the Proponent will:

(a) enter into an MOU with Council and act in accordance with the MOU,

(b) engage with the PCG, including participation in PCG workshops,

(c) draft commercial terms for Council's consideration,

(d) assist in building a business case or economic appraisal,

(e) negotiate commercial and legal terms with a view to entering into a binding agreement,

(f) submit a binding offer, as required.

Council Responsibilities

9.15 During the assessment and business planning stage, Council will:

(a) establish a Proposal-specific PCG and associated governance framework,

(b) prepare an internal Governance Plan and keep this updated throughout the process,

(c) enter into a MOU,

(d) consider the engagement of a specialist project manager,

(e) commit appropriately experienced and qualified resources to participate in the assessment and business case process, including legal, financial and technical advice where appropriate,

(f) confirm the approach to assessing value for money, which may include benchmarking,

(g) where appropriate, undertake or require the Proponent to undertake a business case,

(h) ensure relevant policy and project assurance processes are considered and applied, where appropriate,

(i) participate in Proposal development workshops,

(j) where appropriate, establish commercial or technical teams to guide and liaise with the Proponent and provide information to the PCG,

(k) conduct due diligence as recommended in ICAC's *Direct Negotiations: Guidelines for Managing Risk*,

(l) negotiate the acceptable commercial and legal terms on which the Unsolicited Proposal may proceed, with a view to developing a draft agreement that will form the basis of a final binding offer,

(m) consider any approvals required to progress recommendations in the Assessment Report, including both internal and external approvals (noting that an exemption may be required under section 55(3) of the *Local Government Act 1993* if tenders will not be invited for the project),

(n) receive the detailed business case,

(o) assess the business case against each of the Assessment Criteria,

(p) request further information from the Proponent as required,

(q) prepare an assessment report with recommendations (Assessment Report).

Community Consultation

9.16 The PCG assessment must give due consideration to community consultation. Such consultation will be compliant with Council's community engagement strategy and give consideration to how the proposed project might assist Council in meeting its community strategic plan.

Approval

9.17 Once the feasibility assessment and community consultation stages have been completed, the PCG will consider and approve an Assessment Report. The Assessment Report will then be submitted to Council's CEO for consideration.

9.18 If the CEO considers that the Unsolicited Proposal meets the assessment criteria in section 6 and is viable, the CEO will submit the project to Council's governing body. Council will consider the unsolicited Proposal based on the business case (or feasibility study as the case may be) and the recommendations of the PCG and CEO.

Disclosure

9.19 Information on all Proposals that progress to a business case will be reported in Council's Annual Report. This may include details of the proponent and Proposal, the governance structures, the Probity Advisor appointed and reasons why the Proposal has progressed to this stage. Further information may be published as needed to comply with the Probity

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

9.20 In some cases, Proponents may request that Proposals are not listed, if disclosure would pose significant risks to commercial negotiations or intellectual property. Council will consider 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.

10. PART C: DEPARTMENTAL SUBMISSION AND APPROVALS

Submission to the Office of Local Government

10.1 Where the proposed project involves a public-private partnership (PPP), prior approval will be needed from the Chief Executive of the Office of Local Government (**OLG**). The criteria the OLG will use to assess the applications are included in OLG's Public Private Partnership (PPP) Guidelines.

10.2 When providing an assessment of the Proposal to OLG, Council's CEO is required to certify that the Proposal has been prepared in accordance with the OLG guidelines. Such certification is required for each submission made to the Department and supported by a Council resolution[1].

Approval by the Minister

10.3 Under Section 358(1)(a) of the LG Act, Council may only form or participate in the formation of a corporation or other entity or acquire a controlling interest in a corporation or other entity, with the consent of the Minister and subject to any conditions the Minister may specify. An "entity" includes any partnership, trust, joint venture, syndicate, or other body (whether or not incorporated). Council will need to comply with OLG's Formation of Corporations and Entities (Section 358) Guideline when seeking ministerial approval.

11. PART D: FORMAL AGREEMENT

11.1 If Council has approved an unsolicited Proposal and any necessary approval has been given from the OLG and the Minister to proceed with the project, the next stage of the process is to award the contract.

11.2 Council will only proceed to contract where circumstances justify this approach, including where the agreement secures value for money. The agreement should ensure that the counterparty:

[1] Under Section 400L of the Act, any decision by Council in relation to entering into a public-private partnership may only be made by resolution of the Council.

(a) is bound by Council's relevant standards of conduct, as set out in documents such the code of conduct or statement of business ethics,

(b) does not seek to avoid or dilute accountability mechanisms, such as compliance with the *Government Information (Public Access) Act 2009*,

(c) cannot unreasonably resist attempts by Council to verify performance or obtain relevant information (for example, by including a right-to-audit clause), and

(d) cannot novate, subcontract or reassign functions under the contract without Council's consent.

11.3 The persons who draft and execute the contract should be separate from the PCG.

APPENDIX A: ASSESSMENT CRITERIA

Uniqueness	Demonstration of unique benefits of the Proposal and the unique ability of the proponent to deliver the PJV Proposal. In particular, the following are to be demonstrated: Can this Proposal be readily delivered by competitors? If the answer is yes, then what, if any justification would the Council have to the public for not seeking best value through a competitive tender process? What benefit(s) would the Council gain? Are the benefits and outcomes of the Proposal unlikely to be obtained via a standard competitive procurement process? Does the proponent own something that would limit the Council from contracting with other parties if Council went to tender? This would include intellectual property, real property and other unique assets.
Non-Unique or Unqualified Proposals	Are there other attributes which may not necessarily stand alone as unique but, when combined, create a “unique” Proposal? This may include genuinely innovative ideas, including financial arrangements or a unique ability to deliver a strategic outcome. At its discretion, Council might agree to initiate market testing of a Proposal that has merit but is not unique. Note that while a Proposal may contain unique characteristics such as design or technology, this may represent one option among a range of technologies or solutions available to Council. 1. Proponents seeking to directly purchase or acquire a Council-owned entity or property. Unless the Proposal presents a unique opportunity to it, Council is unlikely to enter into such an arrangement without an open tender process. 2. Proponents with an existing Council licence or agreement to provide goods or services seeking to bypass a future tender process. 3. Proposals for significant extensions/variations to existing contracts/leases, or the next stage of a staged project on the basis that the contractor is already “on-site “, or has some other claimed advantages, absent of other “uniqueness” criteria. Proposals seeking to develop land that is not owned by Council or the proponent. 4. Proposals that do not contain a commercial proposition for Council. Proposals that identify the proponent’s skills or workforce capability as the only unique characteristic are unlikely to progress to Stage 2. 5. Proposals to provide widely available goods or services to Council. 6. Proposals seeking only to change Council policy that have no associated project. 7. Proposals for consultancy services. 8. Proposals for projects where the tender process has formally commenced, whether published or not.

	9. Proposals that are early concepts or lack detail. 10. Proposals seeking grants (e.g., scientific research), loans or bank guarantees etc. 11. Proposals whose claim to uniqueness is trivial e.g., a 'unique' view from particular site. 12. Proposals seeking Council support for a 'pilot' program. 13. Proposals seeking to stop or suspend another Council process (e.g., compulsory acquisition). 14. Proposals seeking an exclusive mandate or exclusive rights over Council asset/s for a period to enable a proponent to conduct a feasibility study.
Value for Money	Does the Proposal deliver value for money to Council? What are the social, environmental and net economic benefits of the Proposal (the status quo should be defined)? Is the Proposal seeking to purchase a Council asset at less than its value in exchange for other services? Does the Proposal provide time and/or financial benefits/savings that would not otherwise be achieved? A Proposal is Value for Money if it achieves the required project outcomes and objectives in an efficient, high quality, innovative and cost-effective way with appropriate regard to the allocation, management and mitigation of risks. While Value for Money will be tested appropriately in the context of each specific Proposal, factors that will be given consideration are likely to include: • Quality of all aspects of the Proposal, including: achievable timetable, clearly stated Proposal objectives and outcomes, design, community impacts, detailed Proposal documentation and appropriate commercial and/or contractual agreements (including any key performance targets), and a clearly set- out process for obtaining any planning or other required approvals. • Innovation in service delivery, infrastructure design, construction methodologies, and maintenance. • Competitively tendering aspects of the Proposal where feasible or likely to yield value for money.
Optimal Risk Allocation	Evaluation of Value for Money may also include, but not be limited to the following quantitative analysis: • Interrogation of the Proponent's financial models to determine the reasonableness of any capital, land acquisition, service and maintenance cost estimates and, if relevant, revenue estimates (including the appropriateness of any user fees or prices and estimates of quantity levels).

	This evaluation may include the use of independent experts or valuers, benchmarking analysis, sensitivity testing, and where appropriate, the use of comparative financial models.
Whole of Council Impact	Does the Proposal meet a project or service need? What is the overall strategic merit of the Proposal? What is the opportunity cost for Council if it were to proceed with the Proposal? Is the Proposal consistent with the Council's plans and priorities? Does the Proposal have the potential to achieve planning approval, taking into account relevant planning and environmental controls? Consideration will be given to whether the Proposal would require Council to re-prioritise and re-allocate funding.
Return on Investment	Is the proposed Return on Investment (ROI) to the proponent proportionate to the proponent's risks, and industry standards? Where feasible, the proposed Rate of Return (ROR) may be subject to independent review or benchmarking.
Capability and Capacity	Does the proponent have the experience, capability and capacity to carry out the Proposal? What reliance is there on third parties? Where appropriate, the Proponent should provide referees in relation to working with government. (e.g., local, state or Commonwealth governments).
Affordability	Does the Proposal require other Government or Council funding, or for Council to purchase proposed services? Does Council have these funds available or budgeted and if not, what source would be proposed? Where Council funding is required, Council may undertake or require the Proponent to undertake a (Preliminary) Business Case and/or an economic appraisal at Stage 2 (where appropriate). Regardless of the outcome of the Business Case/economic appraisal, the Proposal still needs to be affordable in the context of Council's other priorities, and to be considered as part of its budget process.
Risk Allocation	What risks are to be borne by the proponent and by Council? Does the Proposal require Environmental and Planning consents or approvals? If so, has the process been appropriately considered, including whether Council or Proponent bears the risks associated in obtaining the approvals.
Regional or Local	Is the project a regional or local one? How does that impact the projects risk profile (if at all)? Can the risk be shared regionally rather than entirely locally?

APPENDIX B: PRE-LODGMENT MEETING CHECKLIST

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

	YES	NO
Have you completed the initial Schedule of Information Requirements?		
Are you the only party that could deliver your Proposal?		
Have you documented your ownership of any intellectual or real property required for your Proposal?		
Does your Proposal contain unique elements that could not be replicated by others, other than related intellectual or real property?		
Does your Proposal contain unique elements that would require Council to contract with your company if Council went to tender?		
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?		
If you answered "NO" to any questions, have you documented in the (initial) Schedule of Information Requirements 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 the Policy.		

Note – There may be instances where Council in recognising the merit in your Proposal, may need to test the market to confirm value for money. Please discuss this with the Proposal Manager in the pre-lodgement meeting.

APPENDIX C: SCHEDULE OF INFORMATION REQUIREMENTS

This form is to be completed by organisations in presenting an Unsolicited Proposal to Government (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.

An initial version of this schedule should be prepared prior to the formal "Pre-Lodgement" meeting with DPC.

<table>
<tr><td>Organisation Name:</td><td></td><td>Address:</td><td></td></tr>
<tr><td>Identity:</td><td>[Individual, sole trader, company, etc.]</td><td>Type of organisation:</td><td>[Profit / non-profit, educational, small business, etc.]</td></tr>
<tr><td>Contact person(s) details for evaluation purposes:</td><td></td><td>Date of submission</td><td></td></tr>
<tr><td>Australian Business Number</td><td></td><td>Australian Company Number or equivalent</td><td></td></tr>
<tr><td>Director name and ID number for each director:</td><td colspan="3"></td></tr>
<tr><td colspan="4">Concise title and abstract of Proposal (approx. 200 words)</td></tr>
<tr><td colspan="4">Short Title
Abstract</td></tr>
</table>

Proposal details
i. Objectives of the Proposal ii. Method of approach iii. Nature and extent of anticipated outcomes iv. Benefits the Proposal will bring to the State
Assessment Criteria
Please provide a brief description of how the Proposal would meet each of the assessment criteria. Refer to section 2.3 of the Process Guide 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 Government 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 Government impact 4. Return on investment 5. Capability and capacity 6. Affordability 7. Risk allocation
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 Government
Please provide details of costs to Government. Clearly explain the requirements of Government emerging from the Proposal (what are you seeking from Government?). This may include legislative/regulatory amendments,

finance or the use of Government assets, facilities, equipment, materials, personnel, resources and land. What would be the cost of Government providing this? (e.g., what would be the value of the Government land?)
Risks
Please provide a list of proponent and Government risks.
Organisation
Please provide a brief description of: 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 Government land)
Intellectual property
If applicable, please provide a description of the following: 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.
Other statements
For example, please detail any applicable organisational conflict of interest and environmental impacts.
Preferred contractual arrangements
Agency points of contact

If applicable, please provide names and contact information of any other agency and Government points of contact **already** contacted regarding this Proposal.			
Period of time for which the Proposal is valid	Minimum six months	**Proposed duration of the arrangement**	

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

Name: ____________________________________

Position: ____________________________

Signature: ___________________________

Date: ____________________________________

AUTHORISED BY

Chief Executive Officer

EFFECTIVE FROM

24 March 2025

DEPARTMENT RESPONSIBLE

Legal and Governance

REVIEW DATE

24 March 2029

VERSIONS

Version	Amended by	Changes made	Date	TRIM Number
1	New		24 March 2025	330426.2024

ATTACHMENTS

Schedule of Information Requirements Form

Pre-Lodgement Meeting Checklist

REFERENCES

See Council's Unsolicited Proposal Policy