

UNSOLICITED PROPOSALS

Objective

- To continually seek to capture value and explore unique and innovative ideas from the community, government agencies and industry that provide real and tangible benefits to the people of Gilgandra.
- To provide a clear and identifiable process for parties seeking to put forward investment and innovation proposals to Council
- To provide Council and the community with assurance around transparency, consistency and reporting for unsolicited proposals
- To provide a framework for assessing such proposals with a view to delivering uniqueness, value for money and strategic fit for Council, consistent with Council's strategic direction and existing suite of policies.

Definition

An unsolicited proposal is an approach to Council with innovative commercial benefits, where the Council has not requested a proposal and where the proponent is uniquely placed to provide a value-for-money solution.

Scope

Applies where Council receives an approach from a proponent with a proposal to deal directly, in circumstances where Council has not requested the approach. This may include proposals to build and/or finance infrastructure, provide goods or services, or undertake a major commercial transaction.

Policy

All unsolicited proposals must be in writing addressed to the General Manager. Written proposals shall provide sufficient details which clearly outlines the nature of the proposal and demonstrates the concurrence of all proponents concerned, if more than one proponent.

The unsolicited proposals process is not a substitute for routine competitive procurement by Council. Council's usual procurement approach (whether via quotation or tendering) is to test the market. This generally results in the demonstrable achievement of value-for-money outcomes and provides fair and equal opportunities.

The focus of unsolicited proposals is on unique and innovative projects or services with clear and tangible benefits for Gilgandra Shire Council.

The unsolicited proposals process is not designed to replace applicable environmental and planning assessment processes. If Council decides to progress an unsolicited proposal, this should not be interpreted as any form of explicit or tacit support for planning consents or approvals.

Direct negotiation with a proponent in response to an Unsolicited Proposal may be pursued in justifying circumstances. 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.

Council will consider directly negotiating with an individual or organisation that presents an Unsolicited Proposal where circumstances justify this approach and at its absolute discretion, consistent with its statutory responsibilities under the Local Government Act.

Council will ensure consistency and certainty in any dealings with unsolicited proposals by following the *NSW Government's Unsolicited Proposals: Guide for Submission and Assessment*.

Council's whole 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.

This form of procurement is not directly covered by this Policy; however, the statutory requirements under the Local Government Act are still applicable to procurement decisions above the prescribed values that are captured by this Policy as Unsolicited Proposals.

Those statutory requirements under the LG Act also extend to public-private partnerships (PPP), as further defined in that Act.

Relevant Legislation

Local Government Act 1993

Associated Documents

Unsolicited Proposals: Guide for Submission and Assessment (NSW Government)

| | | | |
|-----------------------------|---------------------------------|-----------------------|---------------------|
| Responsible Officer: | Director Growth and Liveability | | |
| Date Adopted: | 21/5/19 21/02/23 | Resolution No: | 72/19 11/23 |
| Version: | 2 | Review Date: | February (annually) |