

# Unsolicited Proposals Guidelines

|                                 |                    |
|---------------------------------|--------------------|
| <b>Policy Reference Number</b>  | 17/93491           |
| <b>Responsible Department</b>   | Executive Services |
| <b>Related Policies</b>         | Procurement Policy |
| <b>Related Procedures</b>       | Nil                |
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| <b>Last Reviewed by Council</b> |                    |

## 1. Introduction

New ideas are essential to the ongoing growth of the City of Campbelltown. Campbelltown welcomes innovative ideas which place us at the forefront of social, cultural, commercial, technological and environmental progress.

Campbelltown's vision is to provide a quality lifestyle for its people. In delivering this vision we place a high value on living together, respecting each other's views and building strong partnerships to support the needs of our Community.

Council recognises that new ideas and partnerships are important to realising our strategic outcomes. The City of Campbelltown is always looking to partner with people and organisations which share our vision.

The Council is often approached with great ideas, and in considering these, we need to demonstrate transparency and accountability. This document outlines the approach that will be used to manage new and innovative ideas being presented to Council.

## 2. Council's Role and Functions

The Council is a council constituted under the *Local Government Act 1999* (SA) (**LG Act**). The Council's principal role and functions are detailed in sections 6 and 7 of the LG Act.

The Council's strategic vision for its Council area is outlined in its Strategic Plan, a copy of which is available on the Council's website or at its Council's office. Copies of other Council policies and plans are also available on its website.

The Council has adopted these guidelines as a policy for the purpose of section 49 of the LG Act. These guidelines apply to any innovative proposal that a proponent submits to the Council.

Where Council receives a proposal under these guidelines that is better suited for assessment under an existing program or scheme, then the proponent will be referred to the relevant program. An innovative proposal is a new and innovative proposal from the private and non-government sector that could assist the Council to achieve its strategic objectives or satisfy a community need.

An innovative proposal is a proposal submitted to the Council that has not been requested by the Council through its regular procurement.

### 3. **Definition of an Innovative Proposal and Application of these Guidelines**

An innovative proposal may include a proposal for:

- the purchase, lease or development of Council owned or managed land
- the delivery of goods or services to or on behalf of the Council
- the provision of infrastructure for the community, or
- an innovation or entrepreneurship with benefits to the Council.

These guidelines apply to an innovative proposal valued over \$50,000.

Whilst Council welcomes innovative proposals, the act of receiving and assessing proposals cannot in any way compromise the performance of Council's regulatory functions. Any exclusive negotiation that originates from an innovative proposal in accordance with these guidelines is conditional upon requisite approvals and compliance with relevant legislation such as the LG Act, Development Act 1993, South Australian Public Health Act 2011, and all legislation that Council is responsible for enforcing.

Where an innovative proposal involves more than one council, the relevant councils may resolve to adopt any one of their innovative proposals, or similar, guidelines, with any required variations, to apply to that proposal in place of their individual guidelines.

### 4. **Council's Objectives**

The following objectives will guide the Council's consideration of innovative proposals in accordance with these guidelines:

- Promoting the development of innovative ideas by the private and community sector to support the Council's role and functions and the Council's broad objectives as outlined in its Strategic Plan
- Ensuring that innovative proposals are received and assessed via an open, transparent and fair process that involves high standards of probity and public accountability
- Ensuring that the innovative proposals process is not used to circumvent the Council's regular procurement processes where appropriate
- Ensuring value for money for the Council is achieved from any innovative proposal
- Maximising the benefits from innovative proposals for the Council and its constituents, and
- Ensuring the Intellectual Property of a party submitting an innovative proposal is appropriately protected.

## 5. Period of Exclusivity

### 5.1 *Criteria for Assessment*

The Council may, in its absolute discretion, enter into a period of exclusive negotiation with a person who has submitted an innovative proposal. The Council recognises that circumstances may arise where it is beneficial to deal exclusively with one party in relation to a particular proposal that has been submitted to the Council. These circumstances include where a party's Intellectual Property should be protected.

The criteria that the Council will consider to determine if a period of exclusivity should be entered into with a particular proponent are:

#### 5.1.1 **No competing proposals**

The Council will consider whether the subject matter of an innovative proposal is already the subject of existing or proposed procurement processes. If the subject matter of an innovative proposal is already being considered or proposed to be considered by the Council in this way, then it is unlikely that an innovative proposal will pass Stage 1.

#### 5.1.2 **Community need/Council priority**

An innovative proposal must:

- 5.1.2.1 promote the Council's role and functions
- 5.1.2.2 be consistent with the Council's objectives outlined in its Strategic Plan, and
- 5.1.2.3 provide an economic, social or environmental outcome for the Council.

#### 5.1.3 **Innovativeness**

It is imperative that an innovative proposal demonstrates how and why it is innovative to justify the Council considering the proposal under these guidelines rather than via its usual procurement processes. A proponent may be able to establish the innovativeness of its proposal by demonstrating that:

- 5.1.3.1 its proposal cannot be readily delivered by competitors at all or within the timeframes proposed by the proponent, or
- 5.1.3.2 the proponent owns something that would limit other parties from being able to deliver the proposal (for example, Intellectual Property, strategic landholdings), or
- 5.1.3.3 that the proponent has innovative finance arrangements that enable it to deliver the proposal where other parties would not be able to, or
- 5.1.3.4 that the proponent has a genuinely innovative idea, or

- 5.1.3.5 a combination of factors which may not stand alone as being innovative but which together create a innovative proposal.

**5.1.4 Value for money**

The proposal must represent value for money for the Council. 'Value' can include:

- financial benefits
- economic benefits, and
- community benefits.

**5.1.5 Capacity and capability of proponent**

The proponent must have the skills, experience and resources required to enable it to deliver the proposal.

**5.2 The Exclusivity Period**

If the Council determines to enter into a period of exclusive negotiation with a proponent, the following broad terms will apply:

- 5.2.1 during the exclusivity period, the Council will not enter into negotiations with another party in relation to another proposal that is substantially similar to the subject matter of the proposal
- 5.2.2 the exclusivity period will be limited to the development of the specific proposal submitted by the proponent to the Council
- 5.2.3 the exclusivity period will be for a set period as advised by the Council to the proponent
- 5.2.4 the Council may set specific terms and conditions for the exclusivity period which it will advise the proponent of in writing
- 5.2.5 the Council may end the exclusivity period at any time and withdraw from exclusive or all negotiations with the proponent, and
- 5.2.6 all correspondence between the Council and the proponent will be kept confidential, subject to any legislative requirements.

**6. Process for Receipt and Consideration of Innovative Proposals**

**6.1 Pre-lodgement meeting**

Before formally submitting an innovative proposal via the process detailed below, the proponent may request a pre- lodgement meeting with Council's Chief Executive Officer. This meeting is not mandatory but it may assist the proponent to determine if their proposal is one that may be considered under these guidelines.

Proponents are encouraged to bring a draft completed Application Form with them to this meeting. Nothing that is discussed at the pre-lodgement meeting binds the Council or the proponent and the proponent may continue with lodgement of its proposal notwithstanding any feedback that it may receive at or following the pre-lodgement meeting.

## 6.2 ***Receipt and Assessment Process***

The process by which the Council will receive and consider innovative proposals is a three state process. The three stages are:

Stage 1 – Initial Proposal

Stage 2 – Detailed Proposal

Stage 3 – Contract Negotiation

Each of these stages is discussed in more detail on the following pages.

### 6.2.1 **Stage 1: Initial Process**

The objective of the initial proposal stage is to enable a proponent to provide the Council with a high level overview of its proposal which enables the Council to form a preliminary view as to whether:

6.2.1.1 the proposal may be considered under these guidelines, and

6.2.1.2 if the proposal should be considered further.

A proposal should comprise a completed Application Form (which can be downloaded from the Council's website) and may also include further information that the proponent wishes to provide at this stage. A proposal must be lodged electronically to:  
[mail@campbelltown.sa.gov.au](mailto:mail@campbelltown.sa.gov.au)

A proposal will not involve negotiation at this stage. This opportunity will arise in later stages if the Council determines that the proposal should proceed.

Once a proposal has been submitted in accordance with this policy and the Council's Chief Executive Officer determines that there is sufficient information about the proposal to consider it, then the Council's Chief Executive Officer will convene a meeting with representatives of relevant departments of the Council depending on the subject matter of the proposal (Steering Committee).

The Steering Committee will determine whether the proposal meets the criteria for it to be considered under these guidelines. To make its decision, the Steering Committee may consult with other Council departments and professional advisers as it deems necessary.

If the Steering Committee determines that the proposal should proceed to the next stage of the process, a report on this basis will be prepared for consideration of the Council's Elected Members.

If the Steering Committee recommends that the proposal not be accepted or the Council Elected Members do not endorse the proposal, the proponent will be notified in writing of this outcome by the Council's Chief Executive Officer. This notice may also notify the proponent that the subject matter of the proposal may form the basis of a competitive bidding process.

Where the Council Elected Members endorse the proposal through a confidential report, the proposal will proceed to Stage 2 and the proponent will be provided with the following:

- 6.2.1.3 notification that the proposal has been approved by the Council to proceed to Stage 2
- 6.2.1.4 a copy of the Council's resolution
- 6.2.1.5 the broad terms and timeframes for Stage 2 consideration of the proposal including the period of exclusivity (if any) for discussions with the proponent
- 6.2.1.6 information on any other matters relevant to the proposal and the Council's further consideration of it that the Council considers to be appropriate.

The anticipated timeframe for the completion of Stage 1 is 90 days and commences from when the Council's Chief Executive Officer has all of the information that is needed to consider the proposal.

Any endorsement of a proposal at Stage 1 is "in principle" endorsement only so that the proposal may proceed to Stage 2 consideration.

## 6.2.2 **Stage 2: Detailed Proposal**

Stage 2 involves further consideration of the feasibility of the proposal, how it will be delivered, whether it represents value for money for the Council and what outcomes it will deliver for the Council and the community. Stage 2 will be an interactive process between the Council and the proponent within a framework established by the Council.

The Council will establish a framework for Stage 2 which may include:

- 6.2.2.1 confidentiality, conflict of interest, communication and probity protocols
- 6.2.2.2 Stage 2 participation terms and conditions
- 6.2.2.3 Stage 2 assessment criteria
- 6.2.2.4 Timeframes including a period of exclusivity (if applicable) for discussions with the proponent
- 6.2.2.5 information to be provided and/or shared
- 6.2.2.6 governance requirements, and



- 6.2.2.7 any other matters that the Council considers necessary or desirable.

The matters that the Council may consider during Stage 2 are:

- 6.2.2.8 the value for money proposition from the proposal for the Council
- 6.2.2.9 if the proposal is legally, technically and financially feasible
- 6.2.2.10 how the proposal would best be structured to deliver the best outcome for the Council
- 6.2.2.11 a cost/benefit analysis of the proposal
- 6.2.2.12 whether the proposal or any part of it would more appropriately be the subject of a competitive bidding process
- 6.2.2.13 the appropriate allocation of risk, and
- 6.2.2.14 the proposed delivery method.

During Stage 2 the Council's Chief Executive Officer will:

- 6.2.2.15 convene meetings of the Steering Committee with any other subject matter experts, professional advisers and other persons that the Council's Chief Executive Officer sees fit
- 6.2.2.16 convene meetings with the proponent
- 6.2.2.17 request further information from the proponent as required
- 6.2.2.18 obtain reports and further information for the Council's consideration of the proposal, and
- 6.2.2.19 arrange the preparation of a detailed report on the proposal for the Council Elected Members' consideration.

During Stage 2, a proponent must:

- 6.2.2.20 develop a detailed proposal, consistent with the requirements outlined by the Council at the end of Stage 1
- 6.2.2.21 provide any additional information as required, and
- 6.2.2.22 make themselves available to participate in meetings requested by, and respond to communications from, the Council's Chief Executive Officer.

At the end of Stage 2, a confidential report will be prepared for the Council Elected Members' consideration and the proponent will be advised in writing of the Council's resolution and one of the following:

- 6.2.2.23 that all or part of the proposal will proceed to Stage 3 on an exclusive consideration basis
- 6.2.2.24 that all or part of proposal will not continue to be considered on an exclusive basis but that all or part of the proposal warrants a competitive bidding process, or
- 6.2.2.25 that all or part of the proposal is not suitable for further consideration and its consideration under these guidelines is now at an end.

## 7. **Probity Framework**

It is a primary objective of these guidelines to ensure the probity of the processes employed by the Council to consider innovative proposals. As such, in addition to any specific requirement outlined in this policy, probity principles and protocols will be established when dealing with proponents in relation to proposals submitted:

- 7.1 that proposals are received, assessed and negotiated, and decisions are made through an approved and transparent framework
- 7.2 that decisions are made through a robust framework and so that they will deliver the best outcomes for the Council and its community
- 7.3 that confidential information is protected and not disclosed (except for disclosures to professional advisers and where disclosure is required by law), and
- 7.4 that any perceived conflict of interest, bias or misconduct is eliminated.

The Council may, at any Stage outlined in these guidelines, engage a probity adviser or auditor.

## 8. **Intellectual Property Rights**

The Council acknowledges the innovative proposals may contain Intellectual Property of the proponent and/or third parties.

If the Council declines to consider, or ends its consideration of, a innovative proposal submitted in accordance with these guidelines, and the Council elects to engage in a competitive bidding process or other approach to the market in relation to the subject matter of the proposal, the Council will respect any Intellectual Property rights of the proponent and/or third parties.

## 9. **Supplementary Information**

The Council may from time to time at its discretion publish supplementary information to assist proponents with the interpretation and application of these guidelines.

## 10. **Submission Terms and Conditions**

### 10.1 **Definitions**

- 10.1.1 **Application Form** means the application form attached as Annexure B to these guidelines



10.1.2 **Intellectual Property** means inventions, original designs and practical applications of ideas protected by law through copyright, patents, registered designs, circuit layout rights and trademarks and it also includes trade secrets, proprietary know-how and other confidential information protected against unlawful use and disclosure by common law and contractual obligations

10.1.3 **LG Act** means the Local Government Act 1999 (SA).

## 10.2 **No Legal Relationship**

By making an innovative proposal the proponent acknowledges:

10.2.1 that no legally binding contract existing or is to be implied between the Council and the proponent unless and until a formal contract document is signed by both parties, and

10.2.2 that the Council is under no contractual or other legal obligation to the proponent with respect to the receipt, assessment, consideration, acceptance or rejection of any proposal or the failure to receive, assess, consider or accept any proposal.

## 10.3 **Legislative Obligations**

In submitting a proposal proponents acknowledge that:

10.3.1 the Council may have legislative obligations that it will need to comply with in relation to a particular proposal and nothing in these guidelines is intended to override or circumvent those obligations, and

10.3.2 that the processes established by these guidelines are separate from, and do not override, other legislative approval processes that a proponent may need to participate in order to progress its proposal (for example, planning approval processes).

## 10.4 **No Soliciting or Outside Discussions**

All queries or communications in relation to innovative proposals must be directed to the Council's Chief Executive Officer to ensure consistency and transparency in the process. The Council reserves the right to discontinue assessment of, or negotiations on, a proposal if the proponent discusses the proposal with members of Council staff or Elected Members otherwise than as directed by the Council's Chief Executive Officer.

A proponent must not offer any incentive to, or otherwise attempt to, influence any person who is either directly or indirectly involved in an assessment or negotiation process. The Council reserves the right to end any consideration of a proposal if a proponent fails to comply with this requirement.

#### 10.5 ***Conflict of Interest***

Proponents must inform the Council of any circumstances or relationships which will constitute a conflict or potential conflict of interest if the proponent is successful in negotiating a contract for its unsolicited proposal. If any conflict or potential conflict exists, the proponent must advise the Council how it proposes to address this.

#### 10.6 ***Costs of Proposal***

A proponent bears its own costs of preparing, discussing and negotiating any innovative proposal with the Council.

#### 10.7 ***Use of Documents***

Any documents provided by the Council to a proponent during any of the Stages outlined in these guidelines must only be used for the purpose of progressing a proposal in accordance with these guidelines and must be returned to the Council at the end of the process on request.

#### 10.8 ***Change in Circumstances***

A proponent must inform the Council promptly in writing of any material change to any of the information contained in the proponent's submission.

#### 10.9 ***Interaction with Other Council Policies***

Any policy on the sale and disposal of Council assets and procurement policies that the Council has adopted for the purposes of section 49 of the LG Act do not apply to an innovative proposal that is covered by these guidelines.

#### 10.10 ***General Acknowledgements***

Proponents acknowledge when submitting an innovative proposal in accordance with these guidelines that the Council:

10.10.1 makes no representations or undertakings that it will enter into a contract with any proponent in respect of the subject matter of any innovative proposal

10.10.2 may undertake 'due diligence'

10.10.3 checks on any proponents

10.10.4 will not be responsible for any costs or expenses incurred by a proponent arising in any way from the preparation, submission or negotiation of its proposal

10.10.5 accepts no responsibility for any proponents failing to undertake any investigations or understanding any matters that may impact on its proposal

- 10.10.6 will not be liable for or pay any expenses or losses incurred by a proponent, whether in the preparation of a proposal or prior to the signing of any agreement relating to a proposal or otherwise, and
- 10.10.7 will not be bound by any verbal advice given or information furnished by any member, officer or agent of the Council except written advice or information furnished by the Council's Chief Executive Officer.

#### 10.11 ***Council's General Rights***

The Council may, at any stage of the process of receiving, considering and negotiating an innovative proposal:

- 10.11.1 if it assesses that a proposal does not meet the criteria to be considered or considered further under these guidelines, to make an approach to the market in respect of the subject matter of the proposal and end consideration of the innovative proposal and withdraw from any negotiation with the proponent in relation to it
- 10.11.2 amend, vary or revoke and replace these guidelines at any time
- 10.11.3 accept or reject any innovative proposal
- 10.11.4 subject to any period of exclusivity determined in accordance with these guidelines, negotiate with any person in relation to the subject matter of a innovative proposal
- 10.11.5 accept all of part of an unsolicited proposal
- 10.11.6 discontinue negotiations with any proponent, and
- 10.11.7 include any proponent's name in council reports and, subject to any period of exclusivity determined in accordance with these guidelines and any agreement with a proponent to the contrary, make them public.

#### 10.12 ***Ombudsman***

Proponents should be aware that the Ombudsman Act 1972 (SA) empowers the Ombudsman to investigate matters in the public interest. Proponents must ensure compliance with all obligations arising under that Act

#### 10.13 ***ICAC***

Proponents should also be aware that the Independent Commissioner Against Corruption Act 2012 establishes the Independent Commissioner Against Corruption and the Office for Public Integrity. The Act empowers the Commissioner to investigate corruption, misconduct and maladministration in public administration. Proponents must ensure compliance with all obligations arising under that Act.

#### 10.14 ***Freedom of Information***

The Freedom of Information Act 1991 (SA) (**FOI Act**) gives members of the public rights to access documents of the Council. The FOI Act promotes openness in governance and accountability of government agencies and to achieve these objects confers on members of the public a legally enforceable right to be given access to documents, including contracts, held by the Council subject but not limited to such restrictions as are consistent with the public interest, commercial in confidence and/or the preservation of personal privacy in respect of those from whom information is collected and held by the Council and other public authorities.

#### 10.15 ***Departure from Guidelines***

The Council may, by resolution, where it is justified in the circumstances, determine that these guidelines will not apply to a particular innovative proposal.

#### 10.16 ***Review of Guidelines***

These guidelines will be reviewed regularly by the Council to ensure that the objectives of the guidelines remain relevant and are met.

## Annexure A Process Flowchart

| STAGE ONE – INITIAL PROPOSAL   |  |
|--|--|
| <b>Proponent Actions</b> <ul style="list-style-type: none"><li>• Submit the completed Application Form and any further information to: <a href="mailto:mail@campbelltown.sa.gov.au">mail@campbelltown.sa.gov.au</a></li><li>• Submit any further information that may be requested.</li></ul>  | <b>Council Actions</b> <ul style="list-style-type: none"><li>• Determine if sufficient information has been provided</li><li>• Convene a meeting of the Steering Committee</li><li>• Determine whether the proposal meets the criteria for it to be considered under the guidelines</li><li>• Prepare a report to the Council if the proposal is recommended for Stage 2</li><li>• Advise the proponent of the Council decision.</li></ul> |
| <b>POSSIBLE OUTCOMES</b> <ul style="list-style-type: none"><li>• That the proposal is not suitable for further consideration and is now closed.</li></ul> OR <ul style="list-style-type: none"><li>• That the proposal may form the basis for a competitive bidding process.</li></ul> OR <ul style="list-style-type: none"><li>• That the proposal will proceed to Stage 2.</li></ul> |  |

## STAGE TWO – DETAILED PROPOSAL

### Proponent Actions

- Submit a detailed proposal
- Provide additional information as requested.
- Attend meetings as requested with, and respond to communications from, the Council.

### Council Actions

- Establish the Stage 2 framework and advise the proponent of this
- Arrange meetings of the Steering Committee with any other subject matter experts, professional advisers and other persons.
- Arrange meetings with the proponent as required.
- Request further information from the proponent as required.
- Obtain reports and further information for the
- Council's consideration of the proposal.
- Arrange the preparation of a detailed report on the proposal for the Council Elected Members' consideration.
- Advise the proponent of the Council's decision.

### POSSIBLE OUTCOMES

- That all or part of the proposal will proceed to Stage 3 on an exclusive consideration basis
- OR
- That all or part of proposal should not continue to be considered on an exclusive basis but that all or part of the proposal warrants a competitive bidding process
- OR
- That all or part of the proposal is not suitable for further consideration and its consideration under these guidelines is now at an end.



| STAGE THREE   |   |
|---|---|
| <b>Proponent Actions</b> <ul style="list-style-type: none"><li>Negotiate contract terms</li></ul>   | <b>Council Actions</b> <ul style="list-style-type: none"><li>Advise the proponent of the process and protocols for the development of a contract.</li><li>Negotiate the contract</li><li>Submitted the agreed contract to the Council Elected Members to seek approval for the contract to be executed.</li><li>Advise the proponent of the Council's decision.</li></ul> |
| <b>POSSIBLE OUTCOMES</b> <ul style="list-style-type: none"><li>That the Council agrees to the terms and conditions of the contact and will proceed to execute it.</li></ul> OR <ul style="list-style-type: none"><li>That the Council agrees to the contract, subject however to specified variations or conditions.</li></ul> OR <ul style="list-style-type: none"><li>That the Council does not agree to enter into the contract but instead determines to pursue or consider pursuing the innovative proposal through another process.</li></ul> OR <ul style="list-style-type: none"><li>That the Council does not agree to enter into the contract and that its consideration of the proposal under the guidelines is now at an end.</li></ul> |   |

## Annexure B

### APPLICATION FORM

#### *BLANK TEMPLATE - EXAMPLE ONLY*

#### INNOVATIVE PROPOSAL FOR CONSIDERATION BY CORPORATION OF THE CITY OF CAMPBELLTOWN

### GENERAL INFORMATION

Consortium or company details (if applicable):

Legal name/s of proponents or consortium or company participants:

Address:

Date:

### PROPOSAL DETAILS

Title:

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Abstract (approximately 200 words):

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### PROPOSAL DETAILS

Provide information on:

(attach separately)

- the objectives of the proposal;
- the method of the approach;
- the nature and extent of expected outcomes; and
- the benefits that the proposal will deliver for the Council.

## ASSESSMENT CRITERIA

Provide a brief description of how the proposal would meet each of the assessment criteria detailed in the Innovative Proposal Guidelines.

### No Competing Proposals

If the proponent is aware of any existing proposal or procurement process currently under consideration by the Council or under active consideration by another proponent then the proponent should clearly demonstrate how their proposal is distinct from these other proposals.

### Community need/Council priority

The proponent should demonstrate how its proposal:

- promotes the Council's role and functions;
- is broadly consistent with the Council's objectives outlined in its Strategic Plan; and
- provides an economic, social or environmental outcome for the Council. The information that a proponent provides should include:
  - details of benefits of the proposal;
  - details of any economic activity or jobs that would be created by the proposal;
  - details of any unmet community need that would be met by the proposal; and
  - how the proposal is aligned with the Council's strategic objectives.

### Innovativeness

The proponent should provide information that demonstrates that its proposal is innovative. This may be demonstrated by showing that:

- the proposal cannot be readily delivered by competitors at all or within the timeframes proposed by the proponent;
- the proponent owns something that would limit other parties from being able to deliver the proposal (for example, Intellectual Property, strategic landholdings).
- the proponent has innovative finance arrangements that enable it to deliver the proposal where other parties would not be able to;
- the proponent has a genuinely innovative idea; or
- a combination of factors which may not stand alone as being innovative together create a innovative proposal.

## **Value for Money**

The proponent should provide information that demonstrates how its proposal represents value for money for the Council. 'Value' can include:

- financial benefits;
- economic benefits; and
- community benefits.

The information that a proponent provides should include:

- how the proposal is priced relative to competitors;
- the proposed sharing of costs and risks between the Council and the proponent; and
- the benefits to the Council of the proposal.

## **Capacity and capability of proponent**

Proponents should provide information that demonstrates that it has the capacity and capability to deliver the proposal. Proponents should provide:

- a description of their organisation or consortium;
- details of previous experience in delivering similar projects;
- details of past performance on similar projects;
- details of relevant experience in prior dealings with the Council or another council;
- details of its skills, experience and competencies to deliver the project; and
- details of any third parties that would be proposed to be involved in the delivery of the project.

## **FINANCIAL AND COMMERCIAL DETAILS**

A proponent should provide a brief description of the financial and commercial details of the proposal and the proponent's financial capacity to deliver the proposal.

## **COSTS AND REQUIREMENTS OF THE COUNCIL**

A proponent should identify what you are seeking from the Council for the proposal. This may include:

- land;
- use of assets, facilities, equipment, materials, personnel or other resources;
- finance; or
- assistance to obtain statutory approvals or legislative or regulatory amendments.

A proponent should state what the cost would be for the Council in providing what is sought.

## RISKS

Proponents should list risks arising from the proposal for the proponent and the Council.

## INTELLECTUAL PROPERTY

Proponents should provide a brief description of:

- each item of Intellectual Property involved in the proposal;
- the nature of any Intellectual Property claimed;
- details of the owner of Intellectual Property claimed;
- registration details (where applicable); and
- details of any items for which commercial confidentiality is claimed in whole or in part.

## OTHER INFORMATION

A proponent may provide any other information that is relevant to its proposal for Stage 1 assessment.

## PREFERRED CONTRACT ARRANGEMENT

A proponent should provide details of its proposed contractual arrangements for the proposal if it is successful.

## CONTACT PERSON

A proponent must nominate a contact person to be the only point of contact for this proposal. All communications from the Council's Chief Executive Officer about the proposal will be sent to this person.

Name: \_\_\_\_\_ Postal Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone number: \_\_\_\_\_

## COUNCIL CONTACT DETAILS

A proponent should provide details of any person at the Council who has already been contacted regarding the proposal.

## VALIDITY PERIOD

Period of time for which the proposal is valid (this must be a minimum of six months):

## PROPOSED DURATION OF THE PROPOSED ARRANGEMENTS

\*Please note that additional information or pages may be attached to this form.

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

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature \_\_\_\_\_

Date: \_\_\_\_\_