



Premier & Cabinet

Type:

Department of Premier and Cabinet Circular

Identifier:

C2017-05

Status:

Active

C2017-05-Unsolicited Proposals

Description

- The Unsolicited Proposals Guide for Submission and Assessment (the “Guide”) has been updated to incorporate recommendations made by the Audit Office of NSW.
- The Guide outlines the process and criteria for the assessment of non-Government sector initiated commercial proposals seeking to deal directly (i.e. seeking exclusivity) with the Government.
- The Department of Premier and Cabinet (DPC) is responsible for the receipt and coordination of Unsolicited Proposals.

Detailed Outline

Definition

An Unsolicited Proposal is defined as “an approach to Government from a Proponent with a proposal to deal directly with the Government over a commercial proposition, where the Government 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”.

Section 2.2 of the Guide describes proposals that will generally *not* qualify (e.g. proposals seeking grants; standard property transaction proposals will be referred to Property NSW or the owner agency for consideration).

Key Updates

The Guide has been updated to reflect the recommendations made by the Audit Office of NSW, broadly:

- Clarify terminology and process, and implement greater transparency and public reporting.
- Clarify how proposals may be referred to other processes if the Unsolicited Proposals route is inappropriate but other avenues exist.
- Stage 2 proposals should be subject to a typical business case process with Infrastructure NSW assurance overlay.

The updated Guide applies to all proposals lodged after 1 September 2017. Proposals lodged prior to this date will continue to be assessed under the former Guide.

Process

A four stage assessment process has been developed 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.

If approached with what could potentially be an Unsolicited Proposal under the Guide, contact DPC in the first instance to discuss whether the proposal should be considered under the Guide, or whether there is a better pathway for consideration.

DPC will seek advice from agencies when evaluating the merits of a proposal and involves agencies in detailed assessments.

Once lodged, DPC will provide a contact point for the proposal and this will be the proponent's only point of contact within Government, unless otherwise agreed.

It should be noted that the Unsolicited Proposals process:

- Is not a substitute for standard procurement processes.
- Is separate to other Government statutory approvals processes e.g. environmental and planning.

An overarching Unsolicited Proposals Steering Committee comprising senior representatives from DPC (chair), NSW Treasury, Infrastructure NSW and Transport for NSW has overall responsibility for the assessment of Unsolicited Proposals. Outcomes are reported to the Cabinet Standing Committee on Infrastructure.

The assessment process is described in section 4 of the Guide.

Criteria

Proposals are evaluated against seven criteria outlined in section 2.3 of the Guide: Uniqueness, Value for Money, Whole of Government Impact, Return on Investment, Capability and Capacity, Affordability and Risk Allocation.

The Unsolicited Proposals framework is based upon the ‘uniqueness’ criterion. The proposal and the proponent would have to display unique characteristics to justify progression through the assessment process i.e. what is unique about the proposal and the proponent that Government would not undertake a competitive procurement process? This is further explained in section 2.2 of the Guide.

It will only be in rare circumstances that a proposal will meet the assessment criteria and Government can justify direct dealing.

The Guide and other information is available at: <https://www.nsw.gov.au/contact-us/unsolicited-proposals/> (<https://www.nsw.gov.au/contact-us/unsolicited-proposals/>).

For enquiries contact: unsolicitedproposals@dpc.nsw.gov.au

Tim Reardon, Secretary

Overview

Who needs to know and/or comply with this?
Departments
Executive agencies related to Departments
Advisory Entities (including Boards and Committees)
Separate agencies
State Owned Corporations
Statutory Authorities/Bodies
Subsidiaries of the NSW Government established under the Corporations Act
Councils under the Local Government Act

Universities

Compliance

Mandatory

AR Details

Date Issued	Dec 22, 2017
Review Date	Jun 30, 2024
Replaces	
Replaced By	

Contacts

Contact	Contact us (https://www.dpc.nsw.gov.au/contact-us/contact-the-department-of-premier-and-cabinet/)
Phone	02 9228 5555
Publishing Entity	Department of Premier and Cabinet
Issuing Entity	Department of Premier and Cabinet