



Guideline Name	Unsolicited Proposals
Guideline Number	CS.GL.11
Responsible Section	Strategic Procurement
Responsible Department	Corporate Services
Date Last Adopted	13 June 2023
Date of Next Review	June 2026
Applicable Legislation	Local Government Act 1999 ICAC Act 2012
Related Governance Documents	Procurement Policy
City Plan Theme	Leadership Economic Placemaking

1. Summary

As facilitators and enablers of economic growth, Council is open to working together with individuals or organisations to pursue innovative ideas that will create jobs, contribute to the best use of public assets and deliver a high quality of service to communities.

When an individual or organisation (a proponent) approaches the Council with a proposal that hasn't formally been requested and does not fit into existing procurement processes, it's known as an unsolicited proposal.

These guidelines provide a framework for new and innovative ideas to be brought forward. These guidelines also give confidence that unsolicited proposals will be considered in a consistent, transparent and lawful manner to deliver public value.

2. Application with these Guidelines

- 2.1** Council has adopted these guidelines for the purpose of section 49 of the *Local Government Act 1999* (the LG Act).
- 2.2** These Guidelines apply to any unsolicited proposal that a proponent submits to Council, and may apply in any circumstances which the Council considers appropriate in the application of its Procurement Policy (or any other relevant policies).

- 2.3** As provided for in the Council's Procurement Policy, an unsolicited proposal is a commercially based agreement which may include a proposal for:
1. The purchase, lease or development of Council owned or managed land
 2. The delivery of goods or services to or on behalf of the Council
 3. The provision of infrastructure for the community.
 4. [The introduction of a partnership arrangement to deliver a service or outcome to the community](#)

Where an unsolicited proposal involves more than one Council, the councils may resolve to adopt any of those councils' Unsolicited Proposals Policies and/or Guidelines, with any required variations, for the purposes of jointly considering that proposal.

3. Process for receipt and consideration of unsolicited proposals

3.1 Pre-lodgement

Before formally submitting an unsolicited proposal via the process detailed below, the proponent may request a pre-lodgement meeting with the Unsolicited Proposals Coordinator. This meeting is not mandatory but 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 proposal with them to this meeting.

Nothing that is discussed at the pre-lodgement meeting (nor any prior communication with Council staff or Council Elected Members) 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.

3.2 Receipt and assessment process

The process by which the Council will receive and consider unsolicited proposals is a three-stage 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 below.

1. Stage 1: Initial Proposal

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

- 3.2.1.1 the proposal may be considered under these guidelines;
- 3.2.1.2 the proposal should be considered further; and
- 3.2.1.3 the parties should enter into exclusive arrangements in relation to the proposal.

A proposal should be prepared in accordance with the format outlined in Annexure B.

A proposal must be lodged electronically to:
proposals@cityofpae.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 Guideline and the Unsolicited Proposals Coordinator determines that there is sufficient information about the proposal to consider it, they will convene a meeting with a group consisting of key representatives who can provide input from a planning, development, infrastructure services, property, community, economic development, finance and procurement perspective, this group will form the Proposal Review Committee.

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

If the Proposal Review Committee determines that the proposal should proceed to the next stage of the process, a report and recommendation be prepared for consideration of the Council Elected Members. The proposal may be considered by Council as a confidential report due to commercial in confidence requirements.

If the Proposal Review Committee recommends that the proposal not be accepted, or the Council does not endorse the proposal, the proponent will be notified in writing by the Unsolicited Proposals Coordinator. This notice may also notify the proponent that the subject matter of the proposal may alternatively form the basis of a competitive procurement process.

Where the Council Elected Members endorse the proposal the proposal will proceed to Stage 2 and the proponent will be provided with the following:

- 3.2.1.4 notification that the proposal has been approved by the Council to proceed to Stage 2;

- 3.2.1.5 a copy of the Council resolution minute item (subject to any confidentiality provisions);
- 3.2.1.6 the broad terms and timeframes for Stage 2 consideration of the proposal; and
- 3.2.1.7 information on any other matters relevant to the proposal and that may have bearing on Council's further consideration of the proposal.

The anticipated timeframe for the completion of Stage 1, commencing from when the Unsolicited Proposals Coordinator determines that it has all of the information needed to consider the proposal, is three months.

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

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 City of Port Adelaide Enfield community.

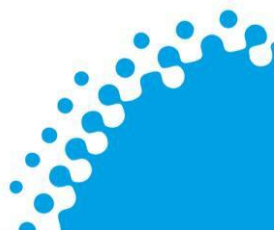
Stage 2 will be an interactive process between Council Administration and the proponent within a framework established by the Council.

Stage 2 may contain commercial in confidence information and is likely to be considered as a confidential report.

Council will establish a framework, proportionate to the size, risk and complexity of the proposal, for Stage 2 which may include:

- 3.2.2.1 confidentiality, conflict of interest, communication and probity protocols;
- 3.2.2.2 Stage 2 participation terms and conditions;
- 3.2.2.3 Stage 2 assessment criteria;
- 3.2.2.4 timeframes;
- 3.2.2.5 information to be provided and/or shared;
- 3.2.2.6 governance requirements; and
- 3.2.2.7 any other matters that the Council considers necessary or desirable.

The matters that the Council Administration will consider during Stage 2 are:



- 3.2.2.8 the value for money proposition from the proposal for the Council;
- 3.2.2.9 if the proposal is legally, technically and financially feasible;
- 3.2.2.10 how the proposal would best be structured to deliver the best outcome for the Council and the community;
- 3.2.2.11 a cost/benefit analysis of the proposal;
- 3.2.2.12 whether the proposal or any part of it would more appropriately be the subject of a competitive bidding process;
- 3.2.2.13 the appropriate allocation of risk and benefit;
- 3.2.2.14 government, strategic and community priority;
- 3.2.2.15 the 'uniqueness' of the proposal; and
- 3.2.2.16 the proposed delivery method.

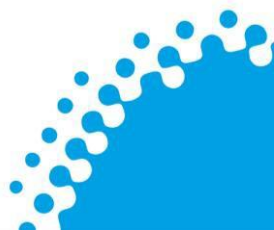
During Stage 2 the Unsolicited Proposals Coordinator will:

- 3.2.2.17 convene meetings of the Proposal Review Committee with any other subject matter experts, professional advisers and other persons that the Unsolicited Proposals Coordinator sees fit;
- 3.2.2.18 convene meetings with the proponent;
- 3.2.2.19 request further information from the proponent as required;
- 3.2.2.20 obtain reports and further information for Council's consideration of the proposal; and
- 3.2.2.21 arrange the preparation of a detailed report on the proposal for Council Elected Members consideration.

During Stage 2, a proponent must:

- 3.2.2.22 develop a detailed proposal, consistent with the requirements outlined by Council at the end of Stage 1;
- 3.2.2.23 provide any additional information as required; and
- 3.2.2.24 make themselves available to participate in meetings requested by, and respond to communications from, the Unsolicited Bids Coordinator.

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



- 3.2.2.25 that all or part of the proposal will proceed to Stage 3 on an exclusive consideration basis;
- 3.2.2.26 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
- 3.2.2.27 that all or part of the proposal is not suitable for further consideration and its consideration under these guidelines is now at an end.

3. Stage 3: Contract Negotiation

Stage 3 allows the Council Administration and the proponent to negotiate a suitable contract or contracts for the implementation of the proposal.

At the commencement of Stage 3, the Unsolicited Proposals Coordinator will advise the proponent of the process and protocols for the development of a contract.

Once a contract has been agreed in principle between the Council Administration and the proponent, the contract will be submitted to Council Elected Members to seek their approval for the Contract to be executed. The Unsolicited Proposals Coordinator will then advise the proponent in writing of one of the following:

- 3.2.3.1 that Council agrees to the terms and conditions of the contract and will proceed to execute it;
- 3.2.3.2 that Council agrees to the contract, subject to specified variations or conditions, noting the contract may be subject to the outcomes of consultation;
- 3.2.3.3 that Council does not agree to enter into the contract but instead determines to pursue or consider pursuing the unsolicited proposal through another process, including a competitive bidding process; or
- 3.2.3.4 that Council does not agree to enter into the contract and that its consideration of the proposal is now at an end.

4. Period of exclusivity

4.1 Criteria for assessment

1. Council may, in its absolute discretion, enter into a period of exclusive negotiation with a person in relation to a proposed or submitted unsolicited proposal, if the circumstances warrant it.
2. Exclusivity between the parties is not assumed simply by submission of an unsolicited proposal to the Council.

3. Exclusive negotiations may be justified in circumstances, for example, where a party's Intellectual Property should be protected or where, on a balancing of the criteria listed below, there is a clear benefit to the City of Port Adelaide Enfield in doing so.

4. The criteria that the Council must consider in determining if a period of exclusivity should be entered into with a particular proponent includes:

4.1.4.1 No competing proposals

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

4.1.4.2 Community need or Council priority

Whether the unsolicited proposal:

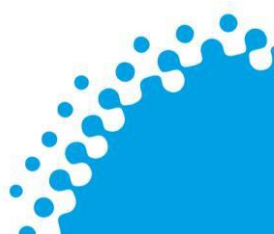
- (a) promotes the Council's role and functions as outlined in relevant Policies and Guidelines, and broadly under the LG Act;
- (b) is broadly consistent with the Council objectives outlined in its City Plan and other relevant documents; and
- (c) provides a clear economic, social, cultural or environmental benefit for the City of Port Adelaide Enfield.

4.1.4.3 Uniqueness

Whether the unsolicited proposal is unique, and how and why it is unique such that it justifies the Council considering it under these guidelines rather than via its usual procurement processes.

A proponent may be able to establish the uniqueness of its proposal by demonstrating that:

- (a) it cannot be readily delivered by competitors at all or within the timeframes proposed by the proponent;
- (b) the proponent owns something that would limit other parties from being able to deliver the proposal (for example, Intellectual Property or strategic landholdings);
- (c) the proponent has unique financial arrangements that enable it to deliver the proposal where other parties would not be able to; or



- (d) a combination of factors which may not stand alone as being unique but which together create a unique proposal in the circumstances.

4.1.4.4 Value for money

Whether the proposal represents value for money for the Council. Council should consider factors such as (but not limited to) whether the proposal:

- (a) is fairly and sustainably priced relative to comparative projects and products;
- (b) will meet acceptable legal, ethical, commercial and industry standards; and
- (c) will effectively deliver on the proposal for the price proposed and in all other respects.

Note that 'value' can include:

- (d) financial benefits;
- (e) economic benefits; and/or
- (f) community benefits.

4.1.4.5 Capacity and capability of proponent

Whether the proponent has the skills, experience and resources required to enable it to deliver the proposal.

4.2 The exclusivity period

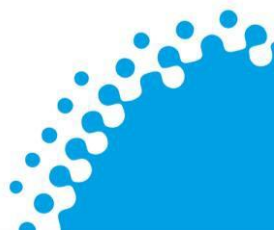
1. If the Council determines to enter into a period of exclusive negotiation, at any stage of the process, with a proponent, the following broad terms will apply:

4.2.1.1 during the exclusivity period, 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;

4.2.1.2 the exclusivity period will be limited to the development of the specific proposal;

4.2.1.3 the exclusivity period will be for a set period as advised by Council to the proponent in writing;

4.2.1.4 Council may set specific terms and conditions for the exclusivity period which it will advise the proponent of in writing;



- 4.2.1.5 Council may end the exclusivity period at any time and withdraw from exclusive or all negotiations with the proponent at no cost or liability to Council ; and
- 4.2.1.6 all correspondence between Council and the proponent will be kept confidential, subject to relevant Council Policy provisions and any legislative requirements.

5. Intellectual property rights

- 5.1** Council acknowledges the unsolicited proposals may contain Intellectual Property of the proponent and/or third parties.
- 5.2** If Council declines to consider, or ends its consideration of, an unsolicited proposal submitted in accordance with these guidelines, and Council elects to engage in a competitive bidding process or other approach to the market in relation to the subject matter of the proposal, Council will respect any Intellectual Property rights of the proponent and/or third parties.

6. Supplementary information

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

7. Publication of details of unsolicited proposals

Council will respect commercial in confidence information and this will often result in proposals being considered in confidence

The Council may seek to publish brief details of all unsolicited proposals that progress, however, in some cases, proponents may request that proposals are not listed/disclosed, if this would pose significant risks to commercial confidentiality, commercial negotiations or intellectual property. The Council will consider the request but reserves the right to publish the names of proponents at any time.

The Freedom of Information Act 1991 (FOI Act) applies to the information provided by a proponent in its submission. Proponents should note that the FOI Act allows members of the public rights of access to documents of the Council and those who interact with the Council. Any information that is commercially sensitive or confidential may be subject to confidentiality orders, as determined by the Council. Proponents should be aware that a claim of commercial sensitivity or confidentiality does not of itself exempt information from disclosure under the FOI Act.

8. General terms

8.1 No legal relationship

By making an unsolicited proposal under these Guidelines the proponent acknowledges:

1. without confirmation in writing, that no discussions in relation to a proposed unsolicited proposal or the submission of an unsolicited proposal assumes exclusivity between the parties;
2. that no legally binding contract exists or is to be implied between Council and the proponent unless and until a formal contract document is signed by both parties; and
3. that 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.

8.2 Legislative obligations

In submitting a proposal proponents acknowledge that:

1. 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
2. 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 in order to progress its proposal (for example, planning approval processes).

8.3 No soliciting or outside discussions

1. It is recognised that the initial proposal may be presented to Council via the Mayor, a Council Employee or an Elected Member and that this is an appropriate avenue for a proponent to first make contact with Council.
2. Once a proposal is identified as an 'unsolicited proposal' as defined in section 2.3 of these guidelines, all queries or communications in relation to unsolicited proposals must be directed to the Unsolicited Proposals Coordinator to ensure consistency and transparency in the unsolicited proposals process.
3. 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 Council Elected Members otherwise than as directed by the Unsolicited Proposals Coordinator.
4. 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. Council reserves the right to end any consideration of a proposal if a proponent fails to comply with this requirement.

8.4 Conflict of interest

Proponents must inform 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 City of Port Adelaide Enfield how it proposes to address this.

8.5 Costs of proposal

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

8.6 Use of documents

Any documents provided by 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 Council at the end of the process on request.

8.7 Change in circumstances

A proponent must inform the Unsolicited Proposals Coordinator in writing of any material change to any of the information contained in the proponent's submission.

8.8 Interaction with other Council policies

1. Unless specifically stated in these guidelines or determined by Council, these guidelines are not intended to override any other policy of the Council that may apply to an unsolicited proposal.
2. 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 does not apply to an unsolicited proposal that is covered by these guidelines.

8.9 General Acknowledgements

Proponents acknowledge when discussing, negotiating, considering, preparing or submitting an unsolicited proposal to Council in accordance with these guidelines, that the Council:

- 8.9.1.1 makes no representations or undertakings that it will enter into a contract with any proponent in respect of the subject matter of any unsolicited proposal;
- 8.9.1.2 may undertake 'due diligence' checks on any proponents;
- 8.9.1.3 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;
- 8.9.1.4 accepts no responsibility for any proponents failing to undertake any investigations or understanding any matters that may impact on its proposal;

8.9.1.5 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

8.9.1.6 will not be bound by any verbal advice given or information furnished by any Elected Member, officer or agent of the City of Port Adelaide Enfield except written advice or information furnished by the Unsolicited Proposals Coordinator.

8.10 Council's General Rights

Council may, at any stage of the process of discussing, receiving, considering and/or negotiating an unsolicited proposal, at no cost to itself or acceptance of liability to the proponent in any way:

1. end consideration of the unsolicited proposal and withdraw from any negotiation with the proponent in relation to it if it considers or assesses that a proposal may not or does not meet the criteria to be considered or considered further under these guidelines, and make an approach to the market in respect of the subject matter of the proposal;
2. amend, vary or revoke and replace these guidelines at any time;
3. accept or reject any unsolicited proposal on any basis;
4. subject to any period of exclusivity determined in accordance with these guidelines, negotiate with any person in relation to the subject matter of an unsolicited proposal;
5. accept all or part of an unsolicited proposal;
6. discontinue negotiations with any proponent at any time; and
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.

8.11 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

8.12 Independent Commission Against Corruption (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 the conduct of public officers working with or for the Council. The ICAC may investigate the conduct and nature of a private/public

arrangement as it relates to corruption and can exercise discretionary powers to refer corruption matters to the South Australian Police (or other law enforcement agency) for investigation.

8.13 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.

8.14 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 unsolicited proposal.

8.15 Review of guidelines

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

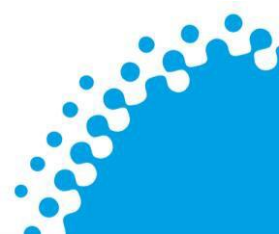
8.16 Definitions

- 1. Intellectual Property** means inventions, original designs and practical applications of good 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.
- 2. LG Act** means the *Local Government Act 1999*(SA).
- 3. Unsolicited Proposals Coordinator** is Council's Manager Strategic Procurement

Annexure A – Process Flowchart

Stage 1 – Initial Proposal		
Proponent Actions	Council Administration Actions	Possible Outcomes
<ul style="list-style-type: none"> Submit the completed Proposal and any further information to: proposals@cityofpae.sa.gov.au Submit any further information that may be requested. Engage in discussions with the Unsolicited Proposal Coordinator about the proposal as and when requested. 	<ul style="list-style-type: none"> Unsolicited Proposal Coordinator determines if sufficient information has been provided to be considered under the guidelines and in terms of exclusivity. Convene a meeting of the Proposal Review Committee Determine whether the proposal meets the criteria for it to be considered under the guidelines. Prepare a report to Council if the proposal is recommended for Stage 2. Advise the proponent of the Council's decision. 	<ul style="list-style-type: none"> That the proposal is not suitable for further consideration and is now closed. <p>OR</p> <ul style="list-style-type: none"> That the proposal may form the basis for a competitive bidding process. <p>OR</p> <ul style="list-style-type: none"> That the proposal will proceed to Stage 2.
Stage 2 – Detailed Proposal		
Proponent Actions	Council Administration Actions	Possible Outcomes
<ul style="list-style-type: none"> Submit a detailed proposal Provide additional information as requested. Attend meetings as requested with, and respond to communications from, the Council Administration. 	<ul style="list-style-type: none"> Establish the Stage 2 framework and advise the proponent of this Arrange meetings of the Proposal Review 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 Elected Members' 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. 	<ul style="list-style-type: none"> That all or part of the proposal will proceed to Stage 3 on an exclusive consideration basis. <p>OR</p> <ul style="list-style-type: none"> 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. <p>OR</p> <ul style="list-style-type: none"> 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 3 – Contract Negotiation		
Proponent Actions	Council Administration Actions	Possible Outcomes
<ul style="list-style-type: none"> Negotiate contract terms 	<ul style="list-style-type: none"> Advise the proponent of the process and protocols for the development of a contract. Negotiate the contract Submitted the agreed contract to the Council Elected Members to seek approval for the contract to be executed. Advise the proponent of the Council Elected Members' decision. 	<ul style="list-style-type: none"> That Council agrees to the terms and conditions of the contract and will proceed to execute it. <p>OR</p> <ul style="list-style-type: none"> That Council agrees to the contract, subject however to specified variations or conditions, may be subject to community consultation outcomes. <p>OR</p> <ul style="list-style-type: none"> That Council does not agree to enter into the contract but instead determined to pursue or consider pursuing the unsolicited proposal through another process. <p>OR</p> <ul style="list-style-type: none"> That Council does not agree to enter into the contract and that its consideration of the proposal under the guidelines is now at an end.

Annexure B – Proposal Format



Unsolicited proposal for consideration by City of Port Adelaide Enfield

The Proposal should be structured in accordance with the below proposal format, and should address all of the criteria/requirements listed.

1. General information

Consortium or company details (if applicable)

Legal name/s of proponents or consortium or company participants

Address

Date of Proposal

2. Proposal title and abstract

Title of Proposal

Abstract (approximately 200 words)

3. Proposal details

The proposal should outline how the proposal would meet each of the assessment criteria detailed below.

A) No competing proposals

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

B) Community need/City of Port Adelaide Enfield priority

The proponent should demonstrate how its proposal:

- promotes the City of Port Adelaide Enfield's role and functions discussed in clause 2 of the guidelines;

- is broadly consistent with the City of Port Adelaide Enfield's objectives outlined in its City Plan; and
- provides an economic, social or environmental outcome for the City of Port Adelaide Enfield.

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 City of Port Adelaide Enfield's strategic objectives.

C) Uniqueness

The proponent should provide information that demonstrates that its proposal is unique. 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 unique finance arrangements that enable it to deliver the proposal where other parties would not be able to; or
- a combination of factors which may not stand alone as being unique together create a unique proposal.

D) Value for Money

The proponent should provide information that demonstrates how its proposal represents value for money for the City of Port Adelaide Enfield. '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 City of Port Adelaide Enfield and the proponent; and
- the benefits to the City of Port Adelaide Enfield of the proposal.

E) 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 City of Port Adelaide Enfield or another City of Port Adelaide Enfield;
- 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.

F) Costs and requirements of the City of Port Adelaide Enfield

A proponent should identify what you are seeking from the City of Port Adelaide Enfield 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 City of Port Adelaide Enfield in providing what is sought.

G) Risks

Proponents should list risks arising from the proposal for the proponent and the City of Port Adelaide Enfield.

4. 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.

5. Preferred contract arrangement

Provide details of any proposed contractual arrangements for the proposal if it is successful, including duration of contract.

6. Contact person

Nominate a contact person to be the only point of contact for this proposal, and their contact details should be provided. All communications from the Unsolicited Bids Coordinator about the proposal will be sent to this person.

7. Contact with City of Port Adelaide Enfield

Provide details of any person at the City of Port Adelaide Enfield who has already been contacted regarding the proposal.

7.1 No soliciting or outside discussions

Acknowledges in the proposal that:

- the proponent has read section 8.3 of the guidelines and understands all further queries or communications in relation to their proposal must be directed to the Unsolicited Proposals Coordinator to ensure consistency and transparency in the process.
- 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 Council Elected Members otherwise than as directed by the Unsolicited Proposals Coordinator.

8. Validity period

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

9. Sign-Off

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

10. Other information

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