

Unsolicited Proposals

Information for Proponents

Lodging an Unsolicited Proposal

To lodge an unsolicited proposal with the Department for Environment and Water (DEW) you must complete an application form, available at: www.environment.sa.gov.au

Completed application forms can be lodged by email to: DEW.UnsolicitedProposals@sa.gov.au

If you need any help or for further information about lodging an unsolicited proposal with DEW, contact the Unsolicited Proposals Secretariat at: DEW.UnsolicitedProposals@sa.gov.au.

Government Objectives

DEW assesses unsolicited proposals in accordance with the Government's objectives:

- Promoting the development of innovative ideas to support economic development, job creation and meet community needs;
- Ensuring an open, transparent and fair process that involves a high standard of probity and public accountability; and
- Ensuring value for money for DEW and Government.

Further information about the Government's objectives and processes for considering unsolicited proposals can be found in the Department of the Premier and Cabinet's Guidelines for Assessment of Unsolicited Proposals: <http://www.sa.gov.au/topics/business-industry-and-trade/doing-business-with-government/unsolicited-proposals>

Exclusive Negotiation

DEW's default position is to request a proposal via a tender process to ensure that the best value for money solution can be competitively identified. However, DEW recognises that there may be circumstances where it is beneficial in dealing exclusively with one party.

DEW may, at its absolute discretion, negotiate with a party that presents an unsolicited proposal where DEW considers it is appropriate and the proposal meets the criteria. An exclusive negotiation with a proponent will be solely limited to that proponent for the purposes of developing the specific unsolicited proposal, and exclusive negotiations can only be guaranteed for a limited period of time.

Criteria

The unsolicited proposal must meet the following criteria for DEW to enter into exclusive negotiations:

1. No competing proposals

Unsolicited proposals will not be accepted if the same or similar proposals are already under consideration by DEW.

2. Community need and DEW/ Government priority

You must demonstrate how your unsolicited proposal will create economic activity, employment or meet unmet community needs, or how it has other unique qualities with tangible outcomes for South Australians that align with the Government's strategic priorities. Information about the Government's strategic priorities can be found at: <https://strongplan.com.au/policies/>

3. Uniqueness of the proposal

You must explain how your unsolicited proposal is a unique, original idea or asset and why the proposal cannot be delivered by another party in the near future.



4. Value for money

You must explain how your proposal will benefit South Australians, how it is sustainable and fairly priced in comparison to similar projects, and whether you require access to DEW land or assets or changes to legislation to enable your proposal. If you require DEW to provide funding and/or accept a degree of risk, you will need to clarify these needs.

DEW will consider whether the benefits of the unsolicited proposal are likely to outweigh the costs and risks to Government.

5. Capacity and capability of the proponent

You must show that you have the capabilities and skills to successfully deliver the desired outcomes of your unsolicited proposal. If relevant, you will need to provide information about your financial capacity, commercial and trading history, any prior dealings with DEW and/or Government, experience in delivering similar projects and any third parties you will be relying on. You should also show how the proposal will meet any relevant industry standards, where applicable.

Assessment

DEW assesses unsolicited proposals in three stages. Stages 2 and 3 may be conducted concurrently at DEWNR's sole discretion. DEW reserves the right to end consideration of the unsolicited proposal, go to market or withdraw from exclusive negotiations at any stage of the process.

Lobbying (attempting to influence DEW and/or Government about the outcome) at any stage of the assessment is strictly prohibited. If DEW determines that you have violated this condition, it may in its absolute discretion disqualify your proposal from further consideration.

Stage 1. Initial proposal

During Stage 1, DEW will assess whether your proposal meets the criteria listed above. This assessment will be based on information you provide in the application form. A DEW Officer may contact you seeking further information.

Details about your proposal will be submitted to the DEW Unsolicited Proposals Governance Committee (Governance Committee) to determine whether the initial proposal meets the criteria and should proceed to Stage 2.

DEW will seek to ensure that you are notified in writing of the outcome of Stage 1.

Governance Committee endorsement to proceed to Stage 2 is not necessarily an approval of your unsolicited proposal. Unsolicited proposals may be subject to legislative approvals and/or Chief Executive, Ministerial or Cabinet approval. Unsolicited proposals are not approved until you are advised by DEW that all relevant authorities have given the required approval.

Stage 2. Detailed proposal

During Stage 2 DEW will assess the feasibility of your unsolicited proposal, including how it will be delivered and whether it represents value for money for DEW/ Government.

A case manager will be assigned to coordinate the Stage 2 assessment process and, if required, will contact you to establish the terms of your participation. This may include meeting with you to:

- Obtain more information about your proposal;
- Inform you about communication protocols and any public consultations that may be required;
- Obtain information about, and manage, any conflicts of interest or confidential information;
- Inform you of your obligations (including whether you need to complete an Industry Participation Plan); and
- Inform you of the estimated timeframes for Stage 2.

As the proponent it is your responsibility to develop a detailed proposal that meets the criteria listed above and provide all supporting information to enable DEW's assessment.



Depending on the nature of your unsolicited proposal, case managers may liaise with other Government agencies about your proposal. This will be undertaken on a strict need-to-know basis and in accordance with confidentiality protocols.

The case manager will coordinate any independent assessments about your proposal that may be required by DEW. The case manager may also prepare a project plan detailing the scope of any evaluation or other activities required to assess the proposal, and obtain Governance Committee approval for the plan.

On completion of Stage 2 the case manager will provide an assessment report to the Governance Committee to enable a determination on whether your unsolicited proposal:

- Meets the criteria and should proceed to Stage 3;
- Is not suitable for consideration on an exclusive basis but may be suitable for a competitive process; or
- Does not meet the criteria or is not suitable for further consideration and should not proceed.

You will be advised in writing of the outcome of Stage 2 assessment. Depending on the nature of your unsolicited proposal, additional advice may need to be prepared for the Minister and/or Cabinet to determine whether the proposal should proceed to Stage 3.

Governance Committee endorsement to proceed to Stage 3 is not necessarily an approval of your unsolicited proposal. Unsolicited proposals may be subject to legislative approvals and/or require Chief Executive, Ministerial or Cabinet approval. Unsolicited proposals are not approved until you are advised by DEW that all relevant authorities have given the required approval.

3. Contract negotiation

Stage 3 requires DEW, the proponent and any other relevant parties to negotiate the final legal and commercial terms and execute any project or other documentation. During this stage, the case manager (or other DEW Officer appointed to manage negotiations) may contact you about:

- Any protocols or processes required for this stage; and
- Negotiations, contract development and any ongoing contract or project management arrangements (including any key milestones) that will apply if your proposal is approved.

All contracts and documents will be comprehensively reviewed and submitted to the Governance Committee to determine whether your unsolicited proposal should:

- Be approved and all documents executed;
- Not be approved (but may proceed through a competitive process); or
- Not be approved (and consideration concluded).

Governance Committee endorsement to proceed is not necessarily an approval of your unsolicited proposal. In some cases, the Minister and/or Cabinet must issue final approval on a proposal. If required the Governance Committee will forward their recommendations to the Minister and/or Cabinet to determine if your unsolicited proposal should:

- Be approved and all documents executed;
- Be approved and specific conditions included in the documents to be executed;
- Not be approved (but may proceed through a competitive process); or
- Not be approved (and consideration concluded).

You will be advised in writing on the outcome.

Fees and Charges

Proponents will not be charged fees to lodge an unsolicited proposal or have it assessed by DEW. However, if the proposal results in a transaction that would incur a regulated fee or charge, these will be applicable at the time of the relevant transaction, for example lease application and preparation regulated fees. DEW can assist with the identification of fees and charges, however it is ultimately the proponent's responsibility to be aware of and account for any regulatory fees and charges that may apply.



For further information please visit: www.environment.sa.gov.au/unsolicitedproposals
Or contact the Unsolicited Proposals Secretariat at: DEW.UnsolicitedProposals@sa.gov.au or by
phone: (08) 8204 1218.

Key Definitions

- Lobbying** Attempting to influence business or government leaders to create legislation or conduct an activity for the outcome desired by the person lobbying, for example, attempting to influence the outcome of unsolicited proposals assessments.
- Probity** The integrity, openness, honesty and transparency of a particular process. Probity also relates to standards of behaviour such as maintaining confidentiality, declaring conflicts of interest, process integrity, individual accountability and proper communication and information management.
- Proponent** The party (company, business, person or persons) who lodge an unsolicited proposal to DEW and/or Government for assessment.
- Unsolicited Proposal** A proposal submitted to Government by a private entity (either for profit or not-for-profit) without Government making a formal request through a tender or other open market procurement process.

