

Unsolicited Proposals Policy

TBC

legislative / non-legislative

PURPOSE

The purpose of this Policy is to define the circumstances by which an Unsolicited Proposal shall be considered by Council. The process of assessment is addressed under the Unsolicited Proposals Procedure.

It is recognised by the City of Adelaide that new partnerships and ideas are important to the Council in realising its strategic goals and the Council's vision of a city which is Bold, Aspirational and Innovative. It is acknowledged that any legislative requirement which affects Council will take precedence over Council's policies and procedures.

The contents of and the commitments that Council makes in this policy are not intended to be and should not be interpreted to be any more than a statement of the City of Adelaide's general position in relation to those matters, and to facilitate its aspirations wherever it is reasonable to do so.

STATEMENT

This Policy applies to:

- Any Unsolicited Proposal that a Proponent submits to Council.
- Circumstances in which the Council is considering waiving the application of all or part of its existing Procurement Policy to assess an Unsolicited Proposal.

An Unsolicited Bid/Proposal may include a proposal for:

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

This Policy excludes Minor Proposals (under \$100,000 ex GST) and those that do not offer innovative and/or improved outcomes for the City of Adelaide. Minor Proposals will be referred to the relevant programs for consideration. All other proposals will be assessed in line with the principles of a tender for the relevant value/impact.

Introduction/Preamble

Council recognises that there are opportunities for it to consider Unsolicited Proposals that can clearly demonstrate benefits to its community, through economic growth, job creation, development of public infrastructure or the provision of services.

Council will generally only consider a proposal where either the Proposal or its Proponent has unique attributes (as defined above) that justify consideration in alignment with Policy criteria and principles rather than Council's regular processes.

In doing so, Council has a responsibility to ensure that receiving and assessing proposals does not compromise the requirements of legislative compliance.

Council may, at its absolute discretion, enter into a period of exclusive negotiation with a party who has submitted an Unsolicited Proposal. The assessment of a proposal shall be subject to the requirements of this Policy and undertaken in accordance with the Unsolicited Proposals Operating Guideline.

Good governance and probity shall be overarching considerations to the process.

Criteria for an Unsolicited Proposal to be considered

An Unsolicited Proposal can be considered by the City of Adelaide where it meets the following criteria.

The proposal:

- Has not been sought by Council through a procurement process (e.g. no request, purchase order, tender process or other procurement process).
- Must be a new and innovative proposal from the private or non-government sectors.
- Does not duplicate a current or previous procurement evaluation process initiated by Council.
- Has a level of 'uniqueness' – for example:
 - the Proposal could not reasonably be delivered by another private party or achieve the same value for money through a competitive tender process
 - the Proponent owns something that would limit other parties from being able to deliver the proposal (e.g. intellectual property, land holdings)
 - the Proponent has unique financial arrangements that enable it to deliver the proposal.
- Could assist the Council to achieve its strategic objectives contained within our City's Strategic Plan or satisfy a community need
- May include the Proponent having intellectual property integral to delivering the project.
- Is not considered a Minor Project (value is under \$100,000 ex GST). Proposals with a value below \$100,000 ex GST will be referred to the relevant program for internal consideration.
- A proposal that includes the use, or management of the Adelaide Park Lands must demonstrate a clear alignment with the values and objectives outlined in the Adelaide Park Lands Management Strategy – Towards 2036 and the Kadaltilla/Adelaide Park lands Authority Strategic Plan 2023/28.

Exclusivity

Exclusivity can occur where an Unsolicited Proposal represents an opportunity where a desired outcome can be attained by negotiating exclusively with the Proponent/s of that proposal.

When Council enters into exclusive negotiations with a Proponent of an Unsolicited Proposal, the proposal must:

- Be solely limited to the Proponent/s for the purposes of developing the specific Unsolicited Proposal.

- Be granted for a limited time period. During the period of the exclusive negotiation, similar rights will not be granted to another Proponent if that other Proponent happens to offer a proposal that is substantially like that for which exclusive negotiations have already commenced. However, Council may enter negotiations with more than one Proponent if it has received multiple Unsolicited Proposals, concerning substantially the same subject matter, prior to ultimately selecting a successful Proponent if warranted.

Evaluation criteria

Unsolicited Proposals will generally be assessed in the same manner as a formal tender process for a project of similar value/impact. Weighting of the evaluation criteria is to be determined by a person with the necessary financial delegation in the relevant program.

Guiding principles

The following objectives will guide the Council's consideration of an Unsolicited Proposal:

- Promote the development of innovative ideas by the private and community sectors to support the Council's role and functions and the Council's broad objectives as outlined in its strategic plan.
- Ensure an Unsolicited Proposal is received via a transparent and accountable process and assessed using an evaluation process guided by high standards of probity, equity and public accountability, that maintains the confidentiality of the Proponent's proposal.
- Ensure the Unsolicited Proposal process is not used to circumvent the Council's regular procurement process(es) unless appropriate.
- Ensure the Unsolicited Proposal process does not duplicate a current or previous procurement evaluation process initiated by Council.
- Ensure the Council achieves value for money from any Unsolicited Proposal.
- Maximise the benefits from an Unsolicited Proposal for Council and its constituents.
- Ensure the intellectual property of a Proponent making a submission is appropriately protected.

OTHER USEFUL DOCUMENTS

Related documents

- Local Government Association of South Australia Model Guidelines 'The Receipt & Assessment of Unsolicited Proposals'.
- Unsolicited Proposals Operating Guideline
- Adelaide Park Lands Management Strategy – Towards 2036
- Kadaltilla/Adelaide Park Lands Authority Strategic Plan 2023/28
- A Guide for those with Great Ideas
- City of Adelaide Strategic Plan 2024 - 2028

Relevant legislation

- *Local Government Act 1999 (SA)*
- *Foreign Acquisitions and Takeovers Act 1975 (Cth)*

- *Australia's Foreign Relations (State and Territory Arrangements) Act 2020 (Cth)*

GLOSSARY

Throughout this document, the below terms have been used and are defined as:

Assessment Panel	Means a panel of Council employees and external advisors (when invited), formed to assess the proposal submitted. For the purposes of an Unsolicited Proposal the panel will comprise a Chair and core membership of: <ul style="list-style-type: none">• at least one Director,• the relevant Associate Director,• a member of the program/team that the proposal is relevant to,• a member of the Corporate Governance and Risk Team,• a member of the Commercial Property team (if relevant), and any Council employee who is a subject matter expert in their relevant field and/or the area of Council affected by the proposal.
Innovative	Means a new method or idea(s) that creates a new use for an asset or solves a known problem.
Minor Proposal	Means a proposal that has a value less than \$100,000 (ex GST).
Proponent	Means the individual, company or consortium submitting the proposal.
Unsolicited Proposal	Is a new and innovative proposal from the private and non-government sectors which: <ul style="list-style-type: none">• could assist the Council to achieve its strategic objectives or satisfy a community need.• has not been requested by the Council through a regular procurement process. An Unsolicited Proposal may include a proposal or bid for: <ul style="list-style-type: none">• 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.• an innovation or entrepreneurship with benefits to Council.

ADMINISTRATIVE

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe.

This Policy document will be reviewed every 4 years unless legislative or operational change occurs beforehand. The next review is required in 2029.

Review history:

Trim Reference	Authorising Body	Date/Decision ID	Description of Edits
ACC2025/XXXX	<i>Strategic Risk and Internal Audit Group (SRIA)</i> <i>Audit & Risk Committee</i>	13/11/2025 06/02/2026	<i>Draft Policy and Guideline received</i>

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