



UNSOLICITED PROPOSALS SCHEDULE

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NOTES:

- Terms used throughout this schedule have the same meaning as defined in the *Public Finance and Audit Act 1987*, *Treasurer's Instructions 18 – Procurement*, and the Procurement Glossary.
- All values identified in the framework are in Australian Dollars and are GST inclusive.

UNSOLICITED PROPOSALS SCHEDULE

Purpose

This schedule details the process for public authorities to manage an unsolicited proposal for the provision of **goods or services valued up to \$1.1million**.

- Unsolicited proposals for **construction projects under \$1.1 million** should be referred to the Unsolicited Proposal Committee of Department of Treasury and Finance.
- Unsolicited proposals for **any purpose valued at or above \$1.1 million** are managed according to the Department of Treasury and Finance (DTF) Guidelines for Assessment of Unsolicited Proposals and Premier and Cabinet Circular PC038 - Unsolicited Proposals (PC038).

What is an unsolicited proposal?

Unsolicited proposals are defined by Premier and Cabinet Circular PC038 - Unsolicited Proposals as proposals that do not fit into existing procurement processes and are submitted by a private entity (either for profit or not-for-profit) without formally being requested by the government.

Unsolicited proposals for goods and services up to \$1.1m

Stage 1: Preliminary review and approval to proceed

The public authority will undertake a preliminary review of the unsolicited proposal to determine whether it warrants further consideration. The public authority will identify whether there are any competing proposals under consideration by the government and whether the proposal:

- is unique and could not be delivered by any other party within acceptable timeframes
- represents value for money
- includes the availability of appropriate technical skills, experience and financial capacity required to deliver the project as specified
- is consistent with the government or public authority's strategic priorities.

Unsolicited proposals that meet all the above criteria and are approved by the public authority Chief Executive (or authorised person) may proceed to stage 2.

The entity will be advised in writing of the progress or otherwise of their proposal to stage 2. The entity will be kept informed of the progress of their proposal, however, the public authority will not make any commitments.

Stage 2: Detailed review and approval for direct market approach

At stage 2, public authorities will develop an acquisition strategy based on the unsolicited proposal and seek approval for a direct market approach in line with the Procurement Planning Policy.

The approval will consider:

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- the nature and terms of the arrangement, including timeframes and the nature of any exclusivity arrangements
- how goods or services will be delivered and whether they represent value for money
- the costs and risks to government, and the benefits to South Australians
- whether the proposal is technically and financially feasible.

Stage 3. Sourcing and contract management

If the direct market approach is approved, activity will proceed in line with the *Sourcing Policy* and *Contract Management Policy*.

If the direct market approach is not approved the entity will be advised in writing.

Conflict of interest declarations

All participants involved in the assessment of an unsolicited proposal (e.g. public authority employees, senior executives and project consultants) will complete a conflict of interest declaration and confidentiality agreement prior to participating in the proposal assessment.

Any actual, potential or perceived conflict of interest identified before, during or at the conclusion of the proposal assessment process will be documented and managed appropriately by the public authority's Chief Executive (or authorised person). A conflict of interest declaration will be completed even where there is no conflict to declare.

Risk management

Public authorities will ensure high standards of probity, accountability and transparency are maintained throughout the unsolicited proposals process.

The risk of corruption in unsolicited proposals will be managed through robust controls and procedures, in accordance with the public authority's risk management framework.

The assessment of unsolicited proposals will be undertaken by people with suitable skills and experience.