

## 1 PURPOSE

The Unsolicited Proposals Policy recognises there may be occasions where there is justification and benefit to the Darwin community in dealing exclusively with a single proponent. City of Darwin will consider unsolicited proposals on merit and in the context of City of Darwin priorities.

## 2 SCOPE

The policy covers ideas individuals or organisations want to undertake either in partnership with or utilising City of Darwin assets or resources. Such proposals can have the potential to help City of Darwin deliver on its strategic plan through partnerships with people and organisations that share a common strategic vision for Darwin.

## 3 POLICY STATEMENT

As the Northern Territory's capital, City of Darwin welcomes and encourages innovation and creative, efficient delivery against the Strategic Objectives of *Darwin 2030*.

A framework for unsolicited proposals recognises there may be occasions where there is justification and benefit to the Darwin community in dealing exclusively with a single proponent. This will generally arise where proposals contain outcomes that:

- incorporate intellectual property or commercially sensitive information
- provide software and technology offering a unique benefit
- incorporate unique financial/funding arrangements
- demonstrate other new, unique, or innovative elements that would not be entirely realised or available through an open, competitive process.

However, City of Darwin will not consider applications that:

- propose to provide widely available goods or services
- are a request for a grant, sponsorship, donation, or operating subsidy
- require City of Darwin to procure in a manner not permitted
- respond to an active, upcoming, or recently concluded expression of interest, request for quote/proposal or tender process.

The Chief Executive Officer will form a panel of no less than three staff members, which may include the Chief Executive Officer, to formally assess a proposal.

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A proposal will be assessed against the assessment criteria. To satisfy the assessment criteria, the proponent will need to demonstrate the following:

- how the proposal contributes to City of Darwin achieving its Strategic Objectives in *Darwin 2030*
- why the proposal should be treated outside the City of Darwin competitive procurement process
- how the proposal provides net public benefit for City of Darwin (including economic, social and environmental outcomes)
- that the project is feasible, including consideration of the commercial, financial, legal, regulatory, technical, environmental, social and practical feasibility of the proposal
- that risk is appropriately allocated, namely the proponent has identified key risks and demonstrated the degree and nature of risks for City of Darwin (if any) are appropriate and acceptable
- anticipated costs and timeframes, including what is required from City of Darwin
- how the proponent has the technical expertise and capacity to deliver on its commitments outlined in the proposal.

Following an initial assessment based on the information provided, City of Darwin staff may engage on an exclusive basis with the Proponent where City of Darwin is satisfied that direct negotiations with the proponent is in the public interest. Following independent assessment by City of Darwin staff, final approval to deal exclusively with the proponent to deliver the proposal will be provided by Council resolution. The report provided to Council will include assessment of each of the 8 criteria above, along with an overall recommendation.

Following the assessment process, City of Darwin will disclose the proposals considered and the outcome of the assessment process.

The process for developing and assessing an unsolicited proposal will require the commitment of resources by both the proponent and City of Darwin. While this policy seeks to minimise the costs to the proponent, City of Darwin will not reimburse costs associated with the unsolicited proposals process incurred by the proponent.

#### 4 DEFINITIONS

**In-Principle** – a non-binding agreement between parties that mutually acknowledges the fundamental terms and concepts that are intended to be formalised.

**Unsolicited Proposal** – is an approach to City of Darwin from a proponent with a proposal to deal directly with City of Darwin over a commercial proposition, where the City of Darwin has not requested the proposal.

#### 5 LEGISLATIVE REFERENCES

*Local Government Act* and associated Regulations.

#### 6 PROCEDURES AND RELATED DOCUMENTS

Nil

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## 7 RESPONSIBILITY AND APPLICATION

City of Darwin does not have a universal exemption to accept Unsolicited Proposals that involve expending public resources. City of Darwin may consider Unsolicited Proposals where City of Darwin’s commitment involves leasing or sale of land, disposal of assets, exempt procurement activity or a commercial arrangement with no procurement.

The Chief Executive Officer is accountable for the overall management of the Unsolicited Proposals Policy. The Unsolicited Proposals Policy will be reviewed every four (4) years or at such other time as necessary.

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