

Policy Name:	Unsolicited Proposals Policy
Classification:	Council Policy
Adopted:	25 November 2025
Frequency of Review:	Four Yearly
Last Review:	November 2025
Next Review Due:	November 2029
Responsible Officer(s):	Manager Finance and Procurement
Policy and Code of Practice Manual File Ref:	CC10/2601
Council File Reference:	CR25/67608
Legislation Authority:	Local Government Act 1999 (SA)
Related Policies and Codes:	Procurement Policy Prudential Management Policy Disposal of Land and Assets Policy Fraud Corruption Misconduct and Maladministration Prevention Policy Expenditure Policy Risk Management Policy Records Management Policy
Related Procedures:	

1. PURPOSE

- 1.1. The Council is committed to fostering innovation and working in partnership with government, the private sector and not-for-profit organisations to deliver positive outcomes for the community.
- 1.2. Council welcomes the submission of unique market-led proposals that have the potential to deliver value for money and tangible community benefit.
- 1.3. This policy establishes a fair and transparent process for the submission, assessment, and consideration of such proposals, encouraging innovation while ensuring consistency, accountability, and sound governance in Council's decision-making.

2. POLICY STATEMENT

UNSOLICITED PROPOSALS POLICY

Council recognises that innovative ideas and partnerships can create significant benefits for the Gawler community. From time to time, individuals, businesses or organisations may approach Council with unique proposals that have not been sought through a competitive process.

This Policy provides a transparent and consistent framework for receiving and assessing such proposals. It ensures they are considered fairly, protects the interests of both Council and proponents, and supports the delivery of value for money and long-term community benefit.

3. SCOPE

3.1. This Policy applies to all unsolicited proposals received by Council that have not been requested through a formal Council process. This may include proposals relating to the purchase, sale, lease or development of land or assets, delivery of goods, works or services, or any other initiative that seeks to partner with or provide benefit to Council and the community

3.2. Unsolicited proposals include, but are not limited to, proposals for the:

- purchase, sale, lease or development of land owned or managed by Council;
- purchase, sale or lease of Council assets;
- delivery of goods, works or services to or on behalf of Council;
- provision of community or public infrastructure;
- innovation or entrepreneurial projects with benefits to Council or the community; or
- any other initiatives that fall outside Council's standard procurement, land management or other policy processes.

3.3. Where a proposal is of a type that is already governed by another Council policy, process, or by legislative requirements, those frameworks will take precedence. This Policy will only apply to the extent that the proposal raises issues not otherwise covered.

3.4. Council retains sole discretion to determine whether a proposal will be considered under this Policy, and the extent to which the Policy is applied to a particular Proponent or proposal.

4. OBJECTIVES

Council recognises the need to balance support for innovation with the requirement to comply with its statutory obligations and relevant Council policies and processes, including those relating to procurement, land sales, leasing, and asset management. In considering unsolicited proposals, Council will:

- support the development of innovative ideas from the private and community sector that align with Council's strategic framework (Community Plan, Annual Business Plan, Long Term Financial Plan and other strategic documents);
- ensure proposals are assessed through a transparent, consistent and fair process that upholds high standards of probity and public accountability;

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- protect intellectual property contained in proposals by maintaining confidentiality wherever possible;
- ensure the process is not used to circumvent Council's Procurement Policy or to disadvantage other suppliers of similar goods or services;
- ensure proposals demonstrate actual need and deliver clear community benefits whether economic, social or environmental;
- achieve best value for money outcomes from proposals that progress through to contract finalisation; and
- maximise the long-term benefit of proposals to the Gawler community.

5. DEFINITIONS

Term	Definition
confidential information	Documentation or information of a confidential nature supplied by either party. This may include scientific, technical, commercial, contractual or marketing information, but excludes any information already in the public domain or required by law to be disclosed.
Council	The Town of Gawler, its administration and Council Members.
intellectual property (IP)	Inventions, original designs, and practical applications of ideas protected by law through copyright, patents, registered designs, circuit layout rights and trademarks. IP also includes trade secrets, proprietary know-how and other confidential information protected against unlawful use and disclosure by common law and contractual obligations.
probity	Uprightness, integrity, honesty, propriety in dealings. In government, probity refers to ensuring sound, ethical and transparent decision making.
procurement	Activities undertaken by Council when purchasing goods, works or services.
Proponent	An individual, business, not-for-profit or other organisation that approaches Council, its staff, Mayor or Councillors with an unsolicited proposal relating to land, assets, goods, works, services, infrastructure or other initiatives that seek to partner with or provide benefit to Council and the community.
unsolicited proposal	A unique or innovative proposal submitted to Council that has not been requested through a formal Council process. This may include proposals relating to the purchase, sale, lease or development of land or assets, delivery of goods, works or services, the provision of infrastructure, or other initiatives that seek to partner with or provide benefit to Council and the community. It does not include general marketing material or routine approaches from businesses work with Council.
unique	In the context of this Policy, a proposal is considered unique if its core benefits, or the Proponent's ability to deliver them, cannot be reasonably

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	replicated or obtained through a competitive market process or by alternative providers. Uniqueness may arise from exclusive ownership of intellectual property, control of strategic land or assets, specialist expertise, or a genuinely innovative approach.
Value for Money	The optimal balance of financial and non-financial benefits to Council and the community, assessed against the costs, risks and resource implications over the life of the proposal. Consideration of value for money includes consistency with Council's Long Term Financial Plan's and broader strategic objectives.

6. PRINCIPLES

Council will apply the following key principles to unsolicited proposals:

- Proposals must meet a genuine need of Council or the community.
- Proposals must deliver value for money.
- Participants must be treated ethically and fairly.
- The process must uphold probity, accountability and transparency.

7. ASSESSMENT PROCESS

Unsolicited proposals will be assessed through a structure four-stage process to ensure transparency, probity and accountability.

Stage 1: Initial Proposal

The CEO (or delegate) will determine whether the proposal:

- meets the definition of an Unsolicited Proposal under this Policy; and
- warrants further consideration.

Possible outcomes:

- Proceed to Stage 2: Detailed Assessment
- Reject the proposal (with reasons provided); or
- Refer the proposal to a competitive market process.

Stage 2: Detailed Proposal

If the proposal progresses, the Proponent must submit a **Stage 2 Proposal** in line with the *Stage 2 Proposal Guide (Appendix)*.

An Assessment Panel of relevant Council officers will review the proposal, seek clarification as required, and provide advice and recommendation to the CEO.

At the conclusion of Stage 2, the CEO will consider the Panel's recommendations.

Possible outcomes (CEO recommendation)

- Proposal endorsed to progress to Stage 3: Council Consideration;
- Proposal rejected (with reasons provided); or
- Proposal referred to an open market process.

Stage 3: Council Consideration

If the proposal is endorsed in Stage 2, the CEO will provide Council with a report and recommendation.

As part of this stage, the Proponent will be given the opportunity to present their proposal directly to Council, and to answer questions from Elected Members.

Possible outcomes (by Council resolution):

- Endorse progression to Stage 4: Negotiation and Finalisation;
- Reject the proposal; or
- Resolve to pursue the objectives through an open market process.

Stage 4: Negotiation and Finalisation

Council and the Proponent will negotiate final terms and conditions.

Key requirements:

- Reaching this stage does not constitute acceptance of the proposal.
- A final agreement requires a Council resolution and execution of a contract in accordance with statutory obligations and delegations.

8. EVALUATION CRITERIA

All unsolicited proposals will be assessed against the following core criteria:

8.1. Strategic Alignment and Community Benefit

- Alignment with Council's Community Plan, Annual Business Plan, Long Term Financial Plan and other strategies.
- Demonstrates a genuine need or delivers clear economic, social, environmental or cultural benefit.

8.2. Uniqueness and Innovation

- Proposal is genuinely innovative or distinctive.
- Proponent has unique attributes (e.g. IP, location, assets, capability).
- Outcomes could not reasonably be achieved through a competitive market process.

8.3. Value for Money

- Demonstrates value for money for Council and the community.
- Costs, revenues, benefits and risks are clearly identified and appropriately allocated.

8.4. Proponent Capability and Capacity

- Financial strength, technical expertise and relevant experience.
- Resources and capacity to deliver on time and to required standards.

8.5. Risk, Affordability and Sustainability

- Risks (financial, legal, operational, reputational) are acceptable and managed.
- Affordable within Council's budgets and consistent with the Long Term Financial Plan.
- Sustainable over the long term, with benefits outweighing costs and risks.

9. GOVERNANCE AND PROBITY

Strong governance and probity safeguards are critical to ensure unsolicited proposals are

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assessed fairly, transparently and in the best interests of the community.

9.1. Exclusivity

Council may, at its discretion, enter into a period of exclusive negotiation with a Proponent. Exclusivity will only be considered where it is necessary to protect the Proponent's intellectual property or is clearly in the public's interest. Any exclusivity granted will be for a defined, limited period.

9.2. Intellectual Property

Council acknowledges that unsolicited proposals may contain valuable intellectual property. Council will take all reasonable steps to protect the Proponent's rights. Where Council declines a proposal but later decides to pursue a similar project, it will do so in a manner that respects those rights.

9.3. Confidentiality

Proposals will be treated as commercial-in-confidence during the assessment process. All parties must maintain confidentiality, subject to Council's statutory obligations under the *Local Government Act 1999* and the *Freedom of Information Act 1991*.

9.4. No Legal Relationship and Costs

The submission of an unsolicited proposal does not create any legal or binding relationship between Council and the Proponent. Proponents are responsible for all costs incurred in the preparing and submitting their proposal. Council will not be liable for any costs or expenses incurred at any stage of the process, and reserves the right to cease consideration of a proposal at its discretion.

9.5. Conflict of Interest

Proponents must declare any actual, potential, or perceived conflicts of interest. Council officers involved in the assessment process are also required to declare and appropriately manage any conflicts of interest in accordance with Council's policies and procedures.

10. REVIEW AND EVALUATION

The effectiveness of this Policy will be reviewed every four (4) years and may be reviewed at any time. The Chief Executive Officer will report to Council on the outcome of the review and if relevant make recommendations for amendments, alteration or substitution of a new Policy. The Policy will not be altered or substituted so as to affect a process already commenced.

11. FURTHER INFORMATION

Further information about this Policy can be obtained by:

Telephone: 8522 9211

Email: council@gawler.sa.gov.au

Appointment: Town of Gawler Administration Centre, 43 High Street, Gawler East.

Letter: PO Box 130, Gawler SA 5118

12. AVAILABILITY OF POLICY

The Policy is available to be downloaded, free of charge, from Council's website at www.gawler.sa.gov.au.

A printed copy may be purchased on request from the Council's Administration Centre.

Appendix - Stage 2 Proposal Guide

(Proponents progressing to Stage 2 must address the following in their detailed proposal)

Strategic Alignment and Community Need

- Demonstrate alignment with Council strategies (Community Plan, Annual Business Plan, Long Term Financial Plan).
- Identify community need and expected benefits (economic, social, environmental, cultural).

Uniqueness and Innovation

- Explain what makes the proposal distinctive or innovative.
- Identify unique attributes (e.g. IP, location, specialist capability).
- Explain why an unsolicited approach is justified rather than a competitive market process.

Value for Money

- Provide a business case and financial model (costs, revenues, funding sources).
- Explain how the proposal represents value for money.
- Outline how costs, risks and benefits will be shared between Proponent and Council.

Proponent Capability and Capacity

- Provide evidence of financial capacity, technical expertise and experience.
- Demonstrate organisational resources to deliver the proposal to required standards and timeframes.

Risk, Affordability and Sustainability

- Identify risks and proposed mitigations.
- Demonstrate affordability within Council's budgets and consistency with the Long Term Financial Plan.
- Explain how the proposal delivers enduring benefits that outweigh costs and risks.

Confidentiality and Intellectual Property

- Identify information that is commercial-in-confidence or subject to IP protection.
- Outline expectations on how this information should be treated by Council.