



Unsolicited Proposals Policy

REM REFERENCE	A5640824				
POLICY TYPE	Administrative: under authority of the CEO				
APPROVAL	Interim Chief Executive Officer				
AUTHORISATION	Signed by:  E8517597290D4FB...				
DATE APPROVED	24 November 2025 15:09 AEDT				
DIRECTORATE	Corporate and Commercial Services				
POLICY OWNER	Manager Property, Procurement and Risk				
NEXT REVIEW	November 2029				
REVISION RECORD	<table> <tr> <th>VERSION</th><th>REVISION DESCRIPTION</th></tr> <tr> <td>1.0</td><td>Initial policy</td></tr> </table>	VERSION	REVISION DESCRIPTION	1.0	Initial policy
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1.0	Initial policy				
October 2025					

1. Purpose

The purpose of this policy is to establish a clear, transparent, and accountable framework for receiving, assessing, and managing unsolicited proposals submitted to Council by private or non-government entities. The policy aims to ensure such proposals are considered in a consistent manner, align with Council's strategic objectives, deliver public value, and are assessed in accordance with the principles of good governance, fairness, and probity.

Council recognises the benefits of partnering with the private sector and not-for-profit organisations to deliver social, environmental, and economic outcomes for the community. To that end, Council supports the development and presentation of innovative ideas and opportunities that benefit the community and/or council operations.

This Policy describes how Council engages with proponents who make unsolicited proposals and sets out the process for Council to follow in the consideration and evaluation of an unsolicited proposal.

2. Scope

This policy applies to all unsolicited proposals received by Council that:

- i. Are initiated by a third party without a prior formal request from Council;

- ii. Involve a commercial arrangement, infrastructure development, use of Council assets or land, provision of services, or any activity with potential financial, reputational or strategic implications;

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

- Purchase, lease or prospective development of land owned or managed by Council
- Purchase or lease of assets, unless the purchase or lease is undertaken in accordance with another policy;
- Delivery of goods, works or services to or on behalf of Council;
- Provision of infrastructure for the community;
- An innovation or entrepreneurial project with benefits to Council; or
- Any other innovative or entrepreneurial proposal

The following are exclusions of this Policy:

- Submissions to formal tenders or Expressions of Interest (EOIs);
- Planning applications or development proposals;
- Routine service requests or community feedback;
- Grant applications or funding requests considered under existing programs.
- Proposals that are already managed / overseen by a different Policy

3. Governance Principles and Council Plan Alignment

3.1. Governance Principles

A Council must, in the performance of its role, give effect to the overarching governance principles (*Local Government Act 2020 (Act)* s9). In accordance with the Act, this Policy aligns with the following governance principle/s:

Principle (a) Council decisions are to be made and actions taken in accordance with the relevant law;

Principle (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;

Principle (e) innovation and continuous improvement is to be pursued;

Principle (g) the ongoing financial viability of the Council is to be ensured;

Principle (i) the transparency of Council decisions, actions and information is to be ensured.

3.2. Council & Wellbeing Plan Alignment

Strategic Outcome 4: Council Performance and Leadership – A forward-thinking and responsive council that values community input, committed to optimising services, ensuring robust governance and making sustainable decisions.

4. Policy

4.1. Key Principles

Council will apply the following key principles in the consideration of unsolicited proposals:

- Assessing if it meets an actual need on the part of the Council or the community;
- Obtaining value in the expenditure of public money;
- Providing for ethical and fair treatment of participants;
- Ensuring probity, accountability and transparency in the evaluation process.

Council recognises the need to achieve balance between supporting innovation and running formal procurement processes. In considering unsolicited proposals, Council will:

- support the development of innovative ideas by the private and community sectors that relate to Council's role, function and priorities;
- ensure that unsolicited proposals are received and assessed through a transparent and fair process involving high standards of probity and public accountability;
- ensure the protection of Intellectual Property in unsolicited proposals by keeping such content confidential wherever possible;
- ensure the unsolicited proposal process is not used to circumvent Council's Procurement Policy and processes, and not to disadvantage other suppliers of similar goods or services;
- ensure best value for money outcomes from an unsolicited proposal that move through to contract finalisation; and
- maximise the benefits to the community from an unsolicited proposal.

4.2. Consideration of Unsolicited Proposals

Council may consider unsolicited proposals where they:

- Offer significant public value and innovation not otherwise available through open market processes;
- Are uniquely placed or time-sensitive, warranting direct negotiation;
- Align with Council's strategic objectives and community outcomes;
- Do not compromise Council's obligations under the Local Government Act 2020, especially sections relating to Best Value and Competitive Neutrality.

4.3. Assessment

The assessment process shall occur in three stages:

Stage 1: Preliminary Assessment – Initial screening for completeness, eligibility, and strategic alignment.

The objective of the Initial Proposal Stage (Stage 1) is for the CEO or CEO delegate to determine if:

- The proposal is an unsolicited proposal and should be considered in accordance with this Policy; and
- The proposal warrants further consideration.

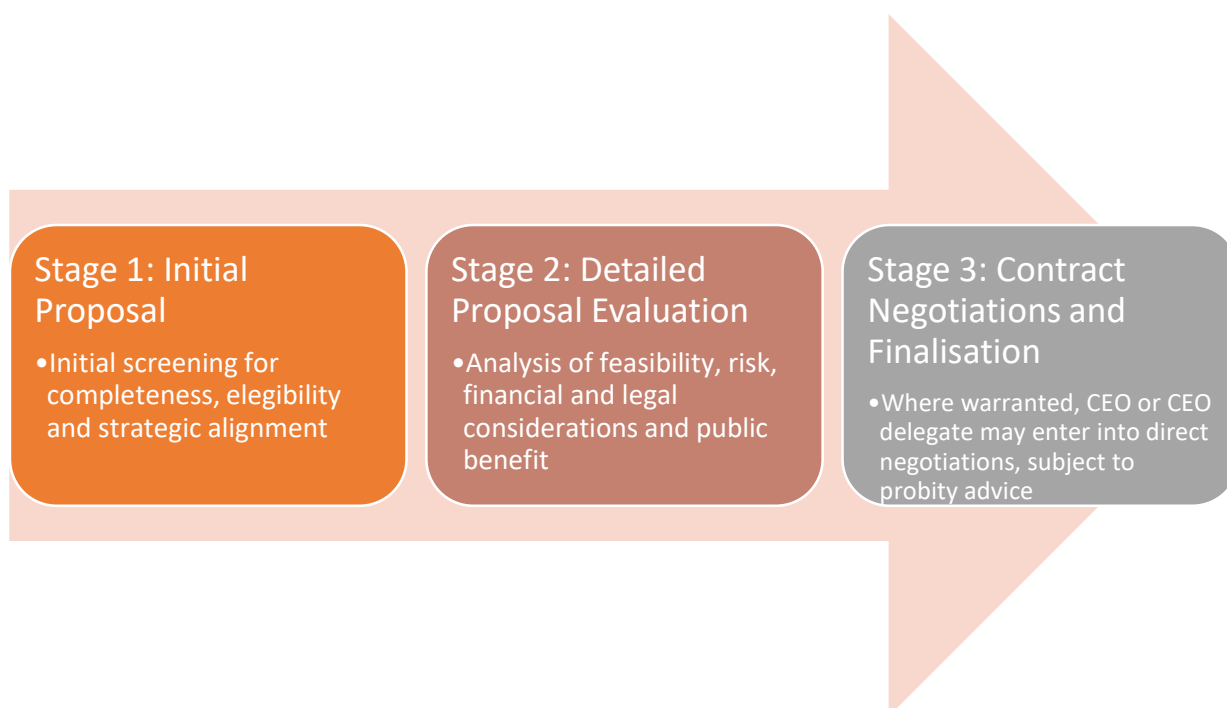
Stage 2: Detailed Evaluation – Analysis of feasibility, risk, financial and legal considerations, and public benefit.

If the CEO or CEO delegate determines that the unsolicited proposal warrants further consideration, the assessment moves into Stage 2.

This stage involves exploring the feasibility of the proposal, how it will be delivered, whether it represents value for money and what outcomes it will deliver for Council and the community. Stage 2 is an interactive process between Council and the proponent.

Stage 3: Negotiation and Approval – Where warranted, CEO or CEO delegate may enter into direct negotiations, subject to probity advice.

If determined by the CEO or CEO delegate that a proposal represents a sufficient benefit to the community that is worthy of acceptance by Council, the proponent will proceed to Stage 3 and enter into formal contract negotiations with Council.



Council reserves the right to reject any unsolicited proposal at any stage without providing reasons.

4.4. Probity

Council recognises that probity is of fundamental importance to the review and assessment of unsolicited proposals and as such, Council will maintain high levels of probity by:

- ensuring that proposals are received, assessed and negotiated, and decisions are made through a fair and transparent process;
- ensuring that confidential information contained in an unsolicited proposal is protected (except for disclosures to third party advisors and as may be required by law);
- ensuring the completion of declarations of conflicts of interest by key staff involved in the decision-making process.

Council may, at any stage in the evaluation process, engage a probity advisor or probity auditor.

4.5. Intellectual Property

Council acknowledges that an unsolicited proposal may contain intellectual property of the proponent and/or third parties. Wherever possible, Council will endeavour to keep confidential any intellectual property of the proponent and/or third parties.

4.6. No Legal Relationship

By making an unsolicited proposal the proponent acknowledges:

- that no legally binding contract exists or is to be implied between Council and the proponent unless and until a formal contract is signed by both parties;
- Council is under no contractual or other legal obligation to the proponent with respect to the receipt, assessment, consideration, acceptance or rejection of any Unsolicited Proposal Policy.

4.7. No Soliciting or Outside Discussions

All communications in relation to an unsolicited proposal must be directed to the CEO or the CEO's nominated delegate to ensure consistency and transparency in the process.

Council reserves the right to discontinue evaluation or negotiations regarding a proposal if the proponent discusses the proposal with anyone other than the CEO or the CEO's delegate, unless the proponent has sought and obtained prior written approval from the CEO or the CEO's delegate.

A proponent must not offer any incentive or otherwise seek to influence any person who is either directly or indirectly involved in the assessment or negotiation process. Council reserves the right to end any consideration of a proposal if a proponent fails to comply with this requirement.

Councillors may be approached directly by a third party due to the nature of their role being an elected representative. Councillors are not authorised to enter into discussions with proponents in relation to unsolicited proposals and must refer any matters where they are directly approached to the CEO or CEO's delegate.

Any matters in relation to unsolicited proposals requiring a Council decision will be presented to Council via its formal meeting processes and procedures, following assessment by the CEO in accordance with this Policy.

5. Roles and Responsibilities

Role	Responsibility
Councillors	Responsible for: • Complying with this Policy. • Referring the matter to the CEO if they are approached by a proponent of an unsolicited proposal. • Advising the proponent of an unsolicited proposal to communicate directly with the CEO or CEO nominated delegate. • Ceasing any further interactions with the proponent of any unsolicited proposal, unless advised by the CEO or the CEO's delegate.
Chief Executive Officer	Responsible for: • Assessment and determination of a position on an unsolicited proposal. • Providing guidance, advice and recommendations to the Mayor and Councillors as may be required and determined by the CEO or CEO delegate.
Directors	Responsible for assisting the CEO or CEO's delegate with the assessment and determination of a position on an unsolicited proposal.
Manager Procurement, Property and Risk	Responsible for: • Ensuring the policy is adhered to in its entirety when receiving unsolicited proposals from proponents. • Organising meetings, events or forums with proponents of unsolicited proposals on opportunities for potential investment within the municipality. • Keeping a record of the meeting including, minutes, invites, and relevant correspondence. • Ensuring the Strategic Development unit are not involved in planning application assessment processes.
Managers	Responsible for providing input into assessments, as required.
Officers	Responsible for providing input into assessments, as required.

6. Policy non-compliance

Non-compliance with this Policy has the potential to result in:

- Inconsistent responses to unsolicited proposals
- Adverse impacts on the reputation of Council
- Failure to adhere to procurement policy
- Inefficient use of Council's resources
- Poor customer service outcomes

7. Definitions

Term	Definition
CEO	Means Chief Executive Officer
Confidential Information	Means any documentation or information of a confidential nature supplied by either of the parties to the other and may include scientific, technical, manufacturing, performance, sales, financial, commercial, contractual or marketing information possessed by each party, but specifically excludes any documentation or information which has been previously published or otherwise disclosed to the general public or is required to be disclosed by Law
Proponent	The individual, organisation or consortium submitting the unsolicited proposal.
Public Value	A demonstrable benefit to the community, including economic, social, environmental or cultural outcomes.
Strategic Alignment	The extent to which the proposal aligns with Council's vision, strategies, and plans.
Unsolicited Proposal	A proposal submitted to Council that has not been requested through a competitive process, and that may include commercial, service, infrastructure, or development opportunities
Intellectual Property	Inventions, original designs and practical applications of good ideas protected by law through copyright, patents, registered designs, circuit layout rights and trademarks. Intellectual property 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, proper and ethical conduct and propriety in dealings. It is often also used in government in a general sense to mean good process

8. Related documents

8.1. Legislation

- *Local Government Act 2020*
- *Charter of Human Rights and Responsibilities Act 2006 (Vic)*

8.2. Documents and resources

- Council and Wellbeing Plan 2025-2029
- Procurement Policy
- Conflict of Interest Policy
- Public Transparency Policy
- Competitive Neutrality Policy (Victorian Government)

9. Implementation of the Policy

This Policy (in conjunction with other Related Documents) will be published on Council's website and made available to all prospective proponents upon. A fact sheet and submission checklist will be provided to assist proponents in preparing proposals. Staff will receive guidance to identify unsolicited proposals and manage them consistently. The policy will be reviewed every four years or earlier if legislative or operational changes require.