

SOUTHERN REGION WASTE RESOURCE AUTHORITY (SRWRA)

(PO-45) UNSOLICITED BIDS POLICY

Date of 1st Adoption:	6 th August 2018 – Report 30/18
Next Review Date:	August 2021
Reviewed:	

POLICY STATEMENT

This Unsolicited Bids Policy is designed as a guide to provide Southern Region Waste Resource Authority (SRWRA) with a frame work to make informed decisions in the consideration of all unsolicited bids put forward to SRWRA in a consistent, transparent and lawful manner.

SRWRA's underlying principle is that all unsolicited bids will be considered in accordance with SRWRA's Procurement Policy utilizing open market competitive processes unless SRWRA deems by resolution of the Board that exceptional and/or unique circumstances exist.

Where SRWRA determines by resolution that exceptional and/or unique circumstances exist it will consider whether exclusive negotiation or a period of exclusivity should be entered into with a proponent of an unsolicited bid and on what terms.

POLICY OBJECTIVES

The following objectives will guide SRWRA's consideration of unsolicited bids:

1. Promoting the development of innovative ideas to support SRWRA's role and functions and broad objectives as outline in the Strategic Plan.
2. Ensuring unsolicited bids are received and assessed through a transparent and fair process that involves high standards of probity and public accountability
3. Ensuring that the unsolicited bid process is not used to circumvent SRWRA's regular procurement process.
4. Ensuring value for money for SRWRA is achieved
5. Maximizing the benefits from unsolicited bids for SRWRA
6. Ensuring the Intellectual Property of a party submitting the unsolicited bid is appropriately protected.

POLICY SCOPE

This policy applies to all unsolicited bids submitted to SRWRA. SRWRA has the sole discretion as to when and if this policy applies to a particular proponent and including when and if an exclusive negotiation or a period of exclusivity will apply.

1. Unsolicited Bids.

An unsolicited bid is a new and innovative proposal which could assist SRWRA to achieve its strategic objectives or satisfy a community need which has not been requested by SRWRA through the regular procurement process.

An unsolicited bid may include a proposal for:

- Purchase, lease or development SRWRA land
- Delivery of goods and services to or for SRWRA
- Provision of major capital works projects and/or infrastructure

The minimum financial threshold for an unsolicited bid is \$100,000.00

2. Period of Exclusivity

SRWRA may, at Board discretion, enter into a period of exclusive negotiation with a proponent. SRWRA recognizes that situations may arise where it is beneficial to deal exclusively with one party in relation to a particular proposal.

The criteria that SRWRA will consider determining if a period of exclusivity should be entered into are:

- No competing proposals exist
- Urgency
- Ensuring an open, transparent and fair process that involves a high standard of probity and public accountability
- Value for money unlikely to be matched in an open tender: and
- Capacity and capability of the proponent.

During a period of exclusivity appropriate confidentiality will be maintained and respected. SRWRA will advise the CEO's of Constituent Councils if it has entered into a period of exclusive negotiation with a proponent.

3. Intellectual Property Rights

SRWRA acknowledges unsolicited bids may contain Intellectual Property of the proponent and/or third parties. If SRWRA declines to consider, or ends its consideration of an unsolicited proposal, and elects to approach the market in relation to the subject matter of the proposal, SRWRA will respect an Intellectual Property rights of the proponent and/or third party as legally required.

POLICY GENERAL TERMS

1. Legal Relationship

SRWRA is under no contractual or other legal obligation to the proponent with respect to the receipt, assessment, consideration, acceptance or rejection of any proposal or the failure to receive, assess, consider or accept any proposal.

2. Legislative obligations

SRWRA may have legislative obligations that it needs to comply with in relation to a particular proposal and nothing in this policy is intended to override or circumvent those obligations.

3. Conflict of Interest

Proponents must inform SRWRA of any circumstances or relationships which will constitute a conflict or potential conflict of interest if the proponent is successful in

negotiating a contract. If a conflict of interest exists, the proponent must advise SRWRA how it will be addressed.

4. Costs of Proposal

A proponent bears its own costs of preparing, discussing and negotiating any proposal.

5. Interaction with other Policies

Unless specifically stated in this policy or determined by the Board, this policy is not intended to override any other policy of SRWRA that may apply to an unsolicited proposal.

6. SRWRA's General Rights

SRWRA may:

- If at any stage assesses that a proposal does not meet the criteria to be considered further, make an approach to the market and withdraw from any further negotiation
- Amend, vary or revoke and replace this policy at any time.
- Accept or reject any unsolicited proposal
- Subject to any period of exclusivity, negotiate with any person in relation to the subject matter of an unsolicited bid.
- Accept all or part of an unsolicited bid.
- Discontinue negotiations with any proponent.

Policy Review

This policy will be reviewed every 3 years and at other times if any significant new information, legislative or organisational change warrants an amendment to this document.