



Unsolicited Proposals

Contents

1. Introduction	1
2. Definition	2
3. Pros and cons of unsolicited proposals	2
4. NSW policy on unsolicited proposals	3
5. Recent reviews of NSW guidelines	6
6. Recent NSW statistics and projects	7
7. NSW Parliamentary debate and inquiries.....	8
8. Other Australian jurisdictions.....	9
9. Recent Australian media	12
10. Australian stakeholder commentary	13
12. International jurisdictions.....	13
11. International literature.....	14

1. INTRODUCTION

Unsolicited proposals are projects proposed directly to government by private parties rather than in response to a request from government. Projects in NSW that have progressed from unsolicited proposals include the Crown Sydney Resort at Barangaroo, NorthConnex, and the partial lease of Ausgrid. Supporters claim that unsolicited proposals are a source of innovative ideas, and that they provide savings on tendering costs. Nevertheless, there remain concerns as to the level of transparency and public reporting on unsolicited proposals received by government, and a key issue is the circumstances in which it is appropriate for the Government to deal with a private party exclusively and without an open tender process.

This paper updates an August 2013 e-brief [Unsolicited Proposals](#). It summarises the benefits and drawbacks of unsolicited proposals, outlines the most recent NSW unsolicited proposals guideline, and reports the findings of recent NSW Audit Office reviews. The paper also summarises guidelines in other Australian and international jurisdictions and provides references to media reports, stakeholder commentary, and academic literature.

2. DEFINITION

Unsolicited proposals—also known as market-led proposals—are defined by the Productivity Commission in its July 2014 [Public Infrastructure Inquiry Report](#) (p 799):

An ‘unsolicited proposal’ is a formal proposal made to government by a private party (otherwise referred to as a proponent) to undertake a PPP [public-private partnership] infrastructure project. This project is not proposed in response to a request from government, but is instead initiated by the private party. In developing an unsolicited proposal, the proponent outlines basic project specifications before approaching government for approval and support. Typically this support is financial, though it may also include regulatory support or other forms of assistance.

The Australian, state and territory governments generally negotiate with proponents exclusively, provided that the proposal meets the relevant criteria. Following negotiation, unsolicited proposals are delivered as PPPs and therefore encompass the advantages and disadvantages of this delivery model.

The exact definition of an unsolicited proposal varies between jurisdictions, as explained by law firm DLA Piper in a [2014 paper](#) (p 7):

Unsolicited proposals are defined slightly differently in each State and Territory (and are known as ‘exclusive mandates’ in Queensland). Each of the State and Territory guidelines require some level of ‘uniqueness’ in the proposal if it is proposed to proceed with the proponent directly, e.g. the proposal could not reasonably be delivered by another private party or achieve the same value for money through a competitive tender process. Unique characteristics may include the proponent having a unique idea or intellectual property or owning strategic assets integral to delivering the proposal.

3. PROS AND CONS OF UNSOLICITED PROPOSALS

In its 2014 [Public Infrastructure Inquiry Report](#), the Productivity Commission outlined a range of potential advantages and disadvantages of unsolicited proposals. These are shown in Table 1 below (p 801-806):

Table 1: Advantages and disadvantages of unsolicited proposals		
Potential advantages	Rationale	Shortcomings
Gains from incentives for private sector project identification	Competitive tendering for infrastructure provides no incentive for private firms to identify infrastructure needs and solutions. Unsolicited proposals may overcome this shortcoming.	A potential trade-off from abandoning a competitive tender process is reduced value for money.
Savings from reduced project identification costs	Allowing for unsolicited bids may save on project identification costs such as business case development and other necessary preparatory work conducted before a project goes to tender.	Bias in identified projects; private sector providers seek to maximise commercial return on investments, and are only likely to identify infrastructure investments where there is a strong community willingness to pay for subsequent services provided (such as new toll roads).

Table 1: Advantages and disadvantages of unsolicited proposals

<i>Savings in tendering costs</i>	If not followed by a tender process, unsolicited proposals could potentially reduce tendering costs for both the government and industry.	Governments must assess proposals and in doing their due diligence would still face some of the same costs imposed by a traditional tender process. Further, as this process lacks competitive pressure, uncertainties exist over whether governments are procuring the best value-for-money partnership with the private sector.
<i>'Uniqueness' and potential limits to competitive tendering</i>	Competitive tendering is not always feasible, such as when an unsolicited proposal is submitted for the expansion of existing infrastructure and the provider of existing capacity has strong property rights.	N/A
<i>Gains from innovation</i>	Unsolicited proposals allow the infrastructure owner to engage a constructor earlier. This may provide greater incentive for the constructor to be innovative as they are certain to be rewarded for novel ideas.	These benefits are disputed, while changes to procurement practices may encourage a greater degree of innovation than that arising from unsolicited proposals.

4. NSW POLICY ON UNSOLICITED PROPOSALS

CURRENT UNSOLICITED PROPOSALS GUIDELINES

The current version of the [Unsolicited Proposals Guide for Submission and Assessment](#) was published in August 2017, and is available on the NSW Government's [website](#). The latest version of the guide was revised after the Department of Premier and Cabinet (DPC) adopted recommendations from two Performance Audits conducted by the Audit Office of NSW, as well as a 2016 periodic review, in order to provide greater clarity and public reporting (see **Recent Reforms** section). A summary of the guidelines is presented below.

Direct negotiations on proposals: The introduction to the guide states (p 2-3):

While direct negotiation with a proponent in response to an Unsolicited Proposal may be pursued in justifying circumstances, Government's usual procurement approach is to test the market. This generally results in the demonstrable achievement of value-for-money outcomes and provides fair and equal opportunities for private sector participants to do business with Government.

The Government will generally only consider proposals where both the proposal and its proponent have unique attributes such that others could not deliver a similar proposal with the same value-for-money outcome.

Guiding principles: There are nine guiding principles: one key principle is that all unsolicited proposals are to be assessed against the following criteria (Ch 2):

- Unique benefits of the proposal and the unique ability of the proponent to deliver the proposal;
- Value for money, including net economic benefits; time and/or financial benefits/savings that would not otherwise be achieved; or whether the proposal seeks to purchase a Government asset at less than its value in exchange for other services;
- Whole of Government impact, such as meeting a project or service need; the overall strategic merit of the proposal; or whether the proposal is consistent with the Government’s plans and priorities;
- Whether the return on investment is proportionate to the proponent’s risks and industry standards;
- The experience, capability and capacity of the proponent in order to carry out the proposal;
- Whether the proposal requires Government funding, or for the Government to purchase proposed services; and
- What risks are to be borne by the proponent and by the Government.

Assessment process: A four stage assessment process has been developed to guide the evaluation of proposals (Table 2 overleaf). These stages are not prescriptive, and may be refined in order to most effectively manage the assessment of any particular proposal (Ch 4):

Table 2: Advantages and disadvantages of unsolicited proposals	
Pre-Submission Concept Review	Optional stage: Project proponent meets the DPC to formally explore whether the proposal is likely to meet the Stage 1 assessment criteria, and to guide proponents in their decision regarding whether to lodge their proposal.
Stage 1	<p>a) Initial Submission and Preliminary Assessment: DPC undertakes a preliminary assessment to determine whether the submission constitutes an unsolicited proposal, and if sufficient justification exists to justify direct dealing and therefore undertake further assessment.</p> <p>b) Strategic Assessment of the Initial Submission: The Government undertakes a comprehensive initial assessment of the proposal to identify the potential benefit to Government of further consideration and development with the proponent.</p>
Stage 2	Detailed Proposal: The proponent and Government work cooperatively in the development and assessment of a detailed proposal, which may require a degree of preliminary negotiation on key issues, subject to the nature of the proposal.
Stage 3	Negotiation of Final Binding Offer: Finalisation of all outstanding issues with a view to entering into a binding agreement.

Roles and responsibilities: In summary, the key roles and responsibilities of different stakeholders are as follows (Ch 3):

- **DPC:** Lead role in the receipt and coordination of the consideration of unsolicited proposals, including appointing the Proposal Manager and as appropriate, chairing the Steering Committee.
- **Cabinet:** Proposals submitted to Government (Cabinet) for approval prior to any progression of a proposal to Stage 2 or 3, prior to the signing of any agreement, and prior to provision of any Government funding.
- **Steering Committee:** Overarching Committee comprised of senior representatives from DPC, NSW Treasury, Infrastructure NSW and Transport for NSW. Responsibilities include consideration of recommendations made by the Proposal Manager or Assessment Panel at Stage 1 and agreeing on a proposed course of action; confirming the unique elements of the proposal and agree on the approach to managing intellectual property; and making recommendations to Government (Cabinet) at Stage 1.
- **Proposal Manager:** Receive and progress consideration of unsolicited proposals. Responsibilities include acting as contact point for proponents; undertaking initial compliance checks; coordinating assessment including input from advisers; and providing assistance to Government agencies with a responsibility for assessing unsolicited proposals.
- **Assessment Panel:** Comprises appropriately qualified representatives who undertake proposal assessments and make recommendations to the Steering Committee.
- **Agencies:** Where a proposal affects a particular agency, that agency will commit appropriate resources to fully participate in the assessment and proposal development processes.
- **Advisors:** May be appointed to provide expert advice to the Assessment Panel and Steering Committee.
- **Probity Advisor:** Monitor and report on the application of the probity fundamentals during the assessment process.

PREVIOUS GUIDELINES

The Audit Office of NSW [stated](#) that in February 2014, following an internal review of the *Guide for Submission and Assessment of Unsolicited Proposals* by the Department of Premier and Cabinet (DPC), the Guide was revised to improve its clarity and utility (p 14):

As part of its internal audit plan for 2013–14, DPC engaged an external consultant to conduct an internal audit of the management of unsolicited proposals. The objectives of this audit were to evaluate the design and operating effectiveness of the internal controls established to mitigate specific risks associated with the management of proposals, and to make recommendations for improvements.

This audit did not identify any risks of high or moderately high significance. The three main findings, which were rated low risk, related to:

- incomplete sign off of the Stage 1 proposal assessment report
- formal appropriate endorsement/approval of governance plan
- non-compliance with the assessment requirements described in the Guide (for example, completion of schedule of information requirements).

We observed that the management actions described in the internal audit report were implemented in the unsolicited proposals reviewed.

The consultant's review found that there was no need for fundamental changes to the guide. A March 2014 [Barton Deakin brief](#) summarised the changes that occurred, including the creation of a four stage assessment process to guide the evaluation of unsolicited proposals which remains in the current version of the guide.

5. RECENT REVIEWS OF NSW GUIDELINES

In March 2016 the Audit Office of NSW released its report [Managing unsolicited proposals in New South Wales](#). The Audit Office found that overall, the governance arrangements for unsolicited proposals were adequate. However, a number of shortcomings were identified, including (p 2-4):

- A need for greater transparency and public reporting on unsolicited proposals received by the NSW Government;
- Clarification of what oversight is provided by, or required of, the DPC;
- Limited public reporting about unsolicited proposals (public confidence in the process would be enhanced through more extensive public reporting about the assessment of proposals); and
- The application of other Government procurement policies was unclear, with further clarification required.

In June 2017 the Audit Office released its [report](#) on the NorthConnex project. It concluded that the processes used to assess the project adequately considered value for money for taxpayers and road users, and the steering committee used sufficiently robust and independently verified processes to determine the initial scope and cost for the project (p 5). The Audit Office did note two deficiencies, and made the following recommendations to address these issues (p 7):

By December 2017, the Department of Premier and Cabinet should:

- 1) publish an updated 'Unsolicited Proposals – Guide for Submission and Assessment' which clarifies obligations with requirements in other NSW Government policies such as the NSW PPP guideline and Infrastructure Investor Assurance Framework. The update should require:
 - a) a business case to be prepared, and a business case gateway review completed, as part of the assessment of the detailed proposal (currently stage 2)
 - b) probity reports must be completed and considered before the decision to proceed to the next stage.

The Department of Premier and Cabinet and NSW Treasury should immediately:

- 2) improve record keeping to ensure compliance with the *State Records Act 1998* and the NSW Government Standard on Records Management.

The first recommendation appears to have been incorporated into the August 2017 version of the NSW Unsolicited Proposals Guide.

Additionally, the NSW Legislative Assembly's February 2017 Committee [*Inquiry into the Procurement of Government Infrastructure Projects*](#) commented that unsolicited proposals were an effective way to encourage innovative approaches to procurement in NSW. The Committee recommended that the Government examine ways in which unsolicited proposals could be more easily made (p 23):

The Committee received evidence that the infrastructure industry is receptive and enthusiastic about the opportunities provided through the unsolicited proposals process in NSW.

The Committee notes the importance of maintaining an appropriate level of price comparators for large infrastructure procurement in order to ensure best value for money. However, after reviewing the number of unsolicited proposals received by the Department of Premier and Cabinet, in comparison to the number of unsolicited proposals approved, the Committee considers there is scope for the Government to relax the criteria for unsolicited proposals to make them more easily approved thereby encouraging more innovation driven by the private sector.

6. RECENT NSW STATISTICS AND PROJECTS

The NSW Government's [Unsolicited Proposals website](#) reported that the Department of Premier and Cabinet received a total of 26 unsolicited proposals during the 2016-17 financial year (Table 3):

Category	Number received
Property	9
Acquisition of government assets	1
Transport	13
Infrastructure	3
Total	26

According to the NSW Government:

Of these 26 proposals, seven are current (as at 30 June 2017), 14 did not proceed past the initial assessment stage, one was withdrawn by the proponent, three were referred to other agencies for consideration (outside the unsolicited proposals framework) and one was approved (partial long-term lease of Ausgrid).

Table 4 outlines the reasons given for not progressing these proposals past the initial assessment stage:

Table 4: Unsolicited proposals received in 2016-17, reasons for not progressing

Reason	Number of proposals
Uniqueness	11
Value for money	3
Inconsistent with government policy	3
Referred to other process	1

Statistics for unsolicited proposals between January 2012 and December 2015 are available in the 2016 Audit Office of NSW's [Managing unsolicited proposals in New South Wales](#) review (Ch 1.6).

Table 5 lists a number of recent projects arising from unsolicited proposals:

Table 5: Select projects arising from unsolicited proposals

Year	Project
2017	Sydney Metro Martin Place Station (at Stage 3 assessment)
2016	Ausgrid partial lease
2016	Wynyard Place commercial and retail precinct
2015	NorthConnex
2013	Crown Sydney Resort Project
2013	Sale of Queen Mary Building to the University of Sydney

7. NSW PARLIAMENTARY DEBATE AND INQUIRIES

Committee on Transport and Infrastructure, [Inquiry on procurement of government infrastructure projects](#), NSW Legislative Assembly, Report 2/56, 23 February 2017.

Park R, [Ausgrid Lease](#), *NSW Hansard*, 20 October 2016, p 34 (proof).

Atalla E, [Infrastructure projects](#), *NSW Hansard*, 21 June 2016, p 75 (proof).

[Casino Control Amendment \(Barangaroo Restricted Gaming Facility\) Bill 2013](#), *NSW Hansard*, 13 November 2013, p 25610.

[Casino Control Amendment \(Barangaroo Restricted Gaming Facility\) Bill 2013](#), *NSW Hansard*, 19 November 2013, p 25610.

O'Farrell B, [State Infrastructure Funding](#), *NSW Hansard*, 29 May 2013, p 21204.

Parker J, [Barangaroo Development](#), *NSW Hansard*, 22 November 2012, p 17494.

8. OTHER AUSTRALIAN JURISDICTIONS

GUIDELINES

With the exception of Western Australia, all States and Territories have unsolicited proposals guidelines. These guidelines are listed below:

- ACT Government, [Guidelines for Unsolicited Proposals](#), September 2016.
- Northern Territory Department of Treasury and Finance, [Unsolicited Proposals Policy](#), March 2017.
- Queensland Treasury, [Market-Led Proposal Guidelines](#), July 2017.
- South Australian Department of the Premier and Cabinet, [Guidelines for the Assessment of Unsolicited Proposals](#), November 2014.
- Tasmanian Department of Treasury and Finance, [Unsolicited Proposals: Policy and Guidelines](#), January 2015.
- Victorian Department of Treasury and Finance, [Market-led Proposals Guideline](#), November 2015.

The Audit Office of NSW's [Managing unsolicited proposals in New South Wales](#) review listed a number of key variations between Australian jurisdictions (p 11):

- Tasmania, South Australia, and the ACT have a dollar threshold for when an unsolicited proposal will be assessed under a centralised framework. For example, the Tasmanian guidelines apply to unsolicited proposals that have a minimum private investment contribution of \$10 million or the creation of a minimum of 100 direct jobs in Tasmania.
- Both the Victorian and ACT guidelines actively consider other methods of procurement beside direct negotiation as part of the assessment approach.
- The Victorian guidelines refer to other governance and assurance processes that should be applied due to other government policy. For example, there is explicit reference that 'proposals will also be assessed under the High Value High Risk framework where appropriate' and includes reference to gateway reviews and other mechanisms.

The unsolicited proposals (USP) assessment processes for each jurisdiction are outlined below. The guidelines for NSW are also shown to allow comparison with other jurisdictions.

NSW			
Pre-submission	Stage 1	Stage 2	Stage 3
Optional concept review , aim to demonstrate unique attributes of proposal and proponent	a) Initial submission and strategic assessment to determine if the proposal is a USP and whether it justifies a Stage 1 assessment. b) Strategic assessment to identify the potential benefit to Government	Detailed proposal determined by proponent and Government	Negotiation of final binding offer between proponent and Government

Issues Backgrounder

ACT			
Pre-submission	Phase 1	Phase 2	Phase 3
Optional meeting with Chief Minister, Treasury and Economic Development Directorate (CMTEDD).	Concept submission , CMTEDD to perform preliminary review, Unsolicited Proposals Steering Committee (UPSC) approves/ rejects proposal.	Detailed submission by proponent to demonstrate business case. UPSC to conduct evaluation process, then makes recommendation to Cabinet.	Tender approach : Cabinet responsible for selecting appropriate delivery model (multi-respondent process, single respondent process, or open tender).
Northern Territory			
Stage 1	Stage 2	Stage 3	
Initial review by Jobs Standing Committee of Coord (JSC, comprised of Chief Executives from relevant agencies) to determine if an unsolicited proposal.	Strategic assessment by JSC to determine if proposal aligns with NT Government policies and priorities; has new, unique or innovative qualities; and its degree of public benefit.	Formal evaluation of proposal by JSC against assessment criteria. Evaluation report submitted to the NT Government for consideration.	
Queensland			
Pre-submission	Stage 1	Stage 2	Stage 3
Informal discussion between Market-Led Proposals (MLP) Panel (cross-government senior executives) and proponent.	Initial proposal submitted showing how project addresses criteria. MLP Panel assesses proposal and makes recommendation whether exclusive mandate granted for more detailed proposal.	Detailed proposal , proponent to comprehensively demonstrate how proposal satisfies all assessment criteria.	Final binding offer to negotiate legal and commercial terms, execute binding contract between proponent and Government.
South Australia			
Pre-submission	Stage 1	Stage 2	Stage 3
Optional meeting with State Coordinator-General.	Initial proposal assessed by Unsolicited Proposals Steering Committee (comprised of senior Government representatives) to determine whether proposal meets the criteria based on submitted outline.	Detailed proposal submitted, assessed by Government-convened assessment panel which then reports to relevant Minister and Cabinet.	Contract negotiation , finalising legal and commercial terms before formal project documentation executed.
Tasmania			
Stage 1	Stage 1	Stage 1	
Submission of proposal to Government, with Assessment Panel established to assess project and submit initial recommendation to Cabinet for approval.	Submission of proposal to Government, with Assessment Panel established to assess project and submit initial recommendation to Cabinet for approval.	Submission of proposal to Government, with Assessment Panel established to assess project and submit initial recommendation to Cabinet for approval.	

Unsolicited Proposals

Victoria					
Pre-submission	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
Optional meeting between proponent and Department of Treasury and Finance (DTF)	Preliminary assessment of ideas or proposals by DTF	Strategic assessment, interim due diligence and recommendation , assessed against criteria and right procurement approach selected	Detailed due diligence, investment case and procurement preparation	Negotiation, development and assessment of final offer	Award contract

PROJECTS

Queensland

Queensland Treasury, [Market-led proposals: Proposals at Stage 2](#), 17 August 2017 [website – accessed 12 October 2017].

Table 6: Select Queensland projects arising from unsolicited proposals

Year	Project
2017	Brisbane International Cruise Terminal (at Stage 2 assessment)
2017	Prince Charles Hospital Carpark and Office Accommodation (at Stage 2 assessment)
2017	Queensland Aquarium and Maritime Museum
2016	Logan Motorway Enhancement Project

South Australia

South Australian Department of Treasury and Finance, [Unsolicited Proposals](#), n.d. [website – accessed 12 October 2017].

Table 7: Select South Australian projects arising from unsolicited proposals

Year	Project
2017	Adelaide Creative Industries Precinct (at Stage 2 assessment)
2017	Detonator Manufacturing Facility (at Stage 2 assessment)

Victoria

Victorian Department of Treasury and Finance, [Market-led proposals: Projects](#), 20 September 2017 [website – accessed 12 October 2017].

Table 8: Select Victorian projects arising from unsolicited proposals

Year	Project
2017	West Gate Tunnel Project
2017	Victoria Police Centre
2017	Port Phillip Ferries
2017	Digital Train Radio System Upgrade (at Stage 4 negotiation and assessment of final offer)
2014	Cranbourne Pakenham Rail Corridor project
2014	CityLink Tulla Widening project

REPORTS

Victorian Auditor-General's Office, [Applying the High Value High Risk Process to Unsolicited Proposals](#), August 2015.

Productivity Commission, [Public Infrastructure Inquiry Report](#), No 71, July 2014.

9. RECENT AUSTRALIAN MEDIA

Kozaki D, [Sydney Gateway plan submitted by Lendlease as speculation mounts it will be another toll for the city](#), *ABC News*, 4 September 2017.

Cheng L, [First architecture and design policy for NSW launched](#), *ArchitectAU*, 21 August 2017.

Nicholls S, [\\$16b Ausgrid sale to be scrutinised by Auditor-General](#), *Sydney Morning Herald*, 16 August 2017.

Carey A, [Doncaster to CBD: Special busway may run down middle of Hoddle Street](#), *The Age*, 8 June 2017.

Saulwick J, [Macquarie Group's unsolicited proposal to build above Martin Place moves ahead](#), *Sydney Morning Herald*, 16 March 2017.

Schwarten E, [Nicholls slams Labor over infrastructure](#), *news.com.au*, 17 February 2017.

Chambers G, ['Market-led' projects slow to go](#), *The Australian*, 6 January 2017.

Layt S, [Qld govt touts 'cost neutral' motorway fix](#), *news.com.au*, 23 November 2016.

Australian Financial Review, [Market-led infrastructure proposals failing to deliver](#), 16 June 2016.

Schneiders B and Millar R, [Toll giant Transurban wants to charge for all roads](#), *Sydney Morning Herald*, 14 May 2016.

The Age, [New toll road financial data kept secret by Andrews government](#), 7 February 2016.

Barns G, [Talking Point: Unsolicited proposals lack the scrutiny that competition brings](#), *The Mercury*, 2 November 2015.

Willingham R, [Daniel Andrews promises better transparency for projects](#), *The Age*, 20 February 2015.

10. AUSTRALIAN STAKEHOLDER COMMENTARY

Corrs Chambers Westgarth, [What's next for market-led proposals in Australia?](#), March 2017.

Holding Redlich, [Market led/unsolicited proposals – The increasing need for proactive procurement](#), 2017.

PwC, [Market led proposals: Essential ingredients for successful submissions](#), March 2017.

Salmon J, [Market led proposals: Finding the right balance](#), John Holland, June 2016.

KPMG, [Market-led proposals: What is the future?](#), March 2016.

Clayton Utz, [Queensland's Market-Led Proposal Guidelines](#), 17 July 2015.

Allens Linklaters, [Market-led proposals guideline – A new framework for assessing unsolicited proposals in Victoria](#), 27 February 2015.

DLA Piper, [Infrastructure and construction in Australia: Legal update](#), September 2014.

Allens Linklaters, [A new framework to assess unsolicited infrastructure proposals in Victoria](#), March 2014.

Barton Deakin, [Unsolicited Proposals in NSW](#), 26 March 2014.

Van B and Li L, [Victoria releases new Unsolicited Proposal Guideline for Projects and Services](#), Clayton Utz, 20 February 2014.

12. INTERNATIONAL JURISDICTIONS

The 2013 NSW Parliamentary Research Service e-brief, [Unsolicited Proposals](#), summarises unsolicited proposal systems in the following countries (Ch 10):

- Canada;
- New Zealand;
- The United Kingdom; and
- The United States.

The World Bank's March 2017 [Review of Experiences with Unsolicited Proposals in Infrastructure Projects](#) report outlined the evaluation procedure and timelines of a range of international jurisdictions, which are reproduced in Table 9 (p 42):

Table 9: Unsolicited proposals – evaluation procedure and timelines				
Jurisdiction	One-Stage Evaluation	Two-Stage Evaluation	Duration (Stage 1)	Duration (Stage 2)
India				
• Andhra Pradesh	Yes	-	N/A	-
• Gujarat	-	Yes	N/A	N/A
• Madhya Pradesh	-	Yes	2 months	6 months
• Rajasthan	-	Yes	1 months	4.5 months
Philippines	Yes	-	120 calendar days	N/A
South Korea	-	Yes	60 days	N/A
Ghana	-	Yes	N/A	N/A
Kenya	-	Yes	N/A	N/A
Senegal	Yes	-	N/A	-
South Africa				
• National Treasury	Yes	-	N/A	N/A
• SANRAL*	Yes	-	N/A	N/A
Tanzania	-	Yes	21 days	N/A
Jamaica	Yes	-	N/A	N/A
Chile	-	Yes	N/A	N/A
Colombia	-	Yes	3 months	6 months
Peru	-	Yes	90 days	N/A
Italy	Yes	-	N/A	N/A
USA (Virginia)	-	Yes	3 months	N/A

*South African National Roads Agency Limited

11. INTERNATIONAL LITERATURE

Cameron H, [Unsolicited Proposals for PPP Projects in Vietnam: Lessons from Australia and the Philippines](#), *European Procurement & Public Private Partnership Law Review*, 2017, 12(2), p 132-145.

Zawawi Z, Kulatanga U and Thayaparan M, [Malaysian experience with Public Private Partnerships \(PPP\) – managing unsolicited proposals](#), 2016.

Nova Scotia Procurement, [Procurement Process: Submission & Evaluation of Unsolicited Proposals](#), October 2015.

Chew A, [Use of unsolicited proposals for new projects – the approaches in Australia](#), *European Procurement & Public Private Partnership Law Review*, 2015, 10(1), p 29-34.

Yun S, Jung S, Heon Han S and Park H, [Critical organizational success factors for public private partnership projects – a comparison of solicited and unsolicited proposals](#), *Journal of Civil Engineering and Management*, 2015, 21(2), p 131-143.

Public-Private Infrastructure Advisory Facility, [Unsolicited Proposals – An Exception to Public Initiation of Infrastructure PPPs](#), August 2014.

Asian Development Bank and GHD Pty Ltd, [Policy Brief: Unsolicited Proposals](#), Final Draft, September 2012.

Hodges J and Dellacha G, [Unsolicited Infrastructure Proposals: How Some Countries Introduce Competition and Transparency](#), Public-Private Infrastructure Advisory Facility, Working Paper No 1, January 2007.

Hodges J, [Unsolicited Proposals: The Issues for Private Infrastructure Projects](#), World Bank Group Private Sector and Infrastructure Network, Note No 257, March 2003.

United Nations Commission on International Trade Law, [Legislative Guide on Privately Funded Infrastructure Projects](#), June 2000.

Author: Chris Angus

Last updated: 16 October 2017

For further information please contact the Parliamentary Library on 9230 2356.

Issues Backgrounders are prepared by the NSW Parliamentary Research Service for Members of Parliament on Bills or subjects of topical importance.

This Issues Backgrounder provides links to parliamentary material, journal articles, media articles and interest group web sites to provide Members with detailed information relating to matters under consideration by the NSW Parliament. Although every attempt is made to ensure that the information provided is correct at the time of publication, no guarantee can be made as to its ongoing relevancy or accuracy. This Issues Backgrounder should not be considered a comprehensive guide to this particular subject and is only a representative sample of the information available. This Issues Backgrounder does not constitute a professional legal opinion.