Project Assessment Framework

Guidelines for the assessment of market-led proposals

July 2015
Component of the Project Assessment Framework (PAF)

This document forms part of the Project Assessment Framework, as outlined below.

<table>
<thead>
<tr>
<th>Overarching policy document</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy overview</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Guidance material</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategic assessment of service requirement</td>
</tr>
<tr>
<td>Preliminary evaluation</td>
</tr>
<tr>
<td>Business case development</td>
</tr>
<tr>
<td>Supply strategy development</td>
</tr>
<tr>
<td>Source supplier/s</td>
</tr>
<tr>
<td>Establish service capability</td>
</tr>
<tr>
<td>Deliver service</td>
</tr>
<tr>
<td>Benefits realisation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Supplementary guidance material</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost-benefit analysis</td>
</tr>
<tr>
<td>Alliance establishment and management</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Related policy documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Queensland public private partnership supporting guidelines</td>
</tr>
<tr>
<td>Guidelines for the assessment of market-led proposals</td>
</tr>
</tbody>
</table>

© The State of Queensland (Queensland Treasury) 2015

Licence:

This document is licensed under a Creative Commons Attribution 3.0 Australia licence. To view a copy of this licence, visit http://creativecommons.org/licenses/by/3.0/au.

Attribution:

Content from the Project Assessment Framework should be attributed to:
The State of Queensland (Queensland Treasury) Project Assessment Framework.

The Queensland Government supports and encourages the dissemination and exchange of information. However, copyright protects this publication.

The State of Queensland has no objection to this material being reproduced, made available online or electronically but only if it is recognised as the owner of the copyright and this material remains unaltered.
Message from the Queensland Government

The Queensland Government is committed to achieving value for money outcomes in the delivery of infrastructure and service projects. However, we recognise that the old ways of government ownership, financing, delivery and operation are not always the right ways. The private sector has significant skills and resources and where appropriate, can play a significant role in the delivery of key government projects. Sometimes, the private sector might even have ideas that the Government has not yet contemplated.

The Value for Money Framework implemented in 2001 contained guidelines for the evaluation of exclusive mandates. A number of proposals have been assessed under those guidelines. However, with the present day focus on innovation and private sector involvement in public infrastructure delivery, the number of market-led (also known as unsolicited) proposals submitted to the Queensland Government has been increasing.

The Queensland Government has completed a review of the Value for Money Framework and as part of this review, the previous guidelines on exclusive mandates have been revised and the Guidelines for the assessment of market-led proposals (MLP Guidelines) have been developed to take their place. The MLP Guidelines create one central point of entry and provide greater guidance for private sector proponents in the submission of market-led proposals to the Queensland Government. They outline a clear stage gated approach to the assessment of market-led proposals, designed to provide proponents with consistency and clarity about the Government’s assessment process. The Queensland Government is particularly focussed on projects that meet a significant government priority and demonstrate enhanced value for money and public benefits.

The MLP Guidelines are intended to facilitate the achievement of improved outcomes for both government and industry. The effectiveness of these Guidelines will be reviewed periodically and further revised when necessary.
1 Application of the guidelines

The Queensland Government seeks value for money in the delivery of infrastructure, provision of services and application of public assets or resources. To this end, encouraging private sector participation through a competitive process is a key means to test different service and infrastructure delivery mechanisms, seek improved outcomes and/or lower costs and thereby improve productivity.

The Government also recognises that dealing exclusively with a proponent may be warranted in unique circumstances. The MLP Guidelines are designed to provide proponents with consistency and clarity about the assessment process for considering market-led proposals in order to achieve value for money for the Government.

Materiality should be considered on a case by case basis, taking into account the nature of the proposal and the expected benefits potentially available from conducting either a competitive or exclusive process. In this context, it is the Government’s expectation that the granting of exclusive mandates would be the exception and that the normal course would be to test the market to achieve a demonstrable value for money outcome. Where proponents claim exceptions to this default position, such proposals will be considered and approved pursuant to these Guidelines.

The Queensland Government maintains a central webpage for market-led proposals in order to provide a consistent approach to their management and assessment. The market-led proposal webpage is available at www.treasury.qld.gov.au and submission of proposals will be via this webpage. Enquiries relating to market-led proposals should be directed to Queensland Treasury.

The webpage is administered by Queensland Treasury, which also has responsibility for providing secretariat support to a government Market-led Proposal Panel (MLP Panel). The MLP Panel, with support from an assessment team, will make recommendations to the Government about market-led proposals at the end of Stage 1 and Stage 2 of the assessment. The MLP Panel will comprise permanent senior members from Queensland Treasury, the Department of Premier and Cabinet (DPC), the Department of Infrastructure, Local Government and Planning (DILGP), the Department of State Development (DSD) and members from other agencies as determined based on the subject matter of each proposal. Where the proposals are of an infrastructure nature, the panel will consult Building Queensland.

In order for a market-led proposal to progress, the Government and the proponent will be required to commit resources. The staged approach to assessment detailed below seeks to balance resource input at each stage in order to reduce the potential for unnecessary expenditure. While these Guidelines set out information and processes to minimise costs for proponents, the Government does not reimburse proponents’ costs associated with the development of market-led proposals.
What is a market-led proposal and an exclusive mandate?

A market-led proposal is a proposal initiated and submitted by a private sector proponent, where the specific proposal has not been requested by the Government (for example, either through an invitation to participate in a competitive tendering process or otherwise). Market-led proposals have been referred to as unsolicited proposals in previous policy documentation.

The nature of the proposal can cover a wide range of areas and may include:

- delivery of services to or on behalf of the Government
- provision of infrastructure
- access to government assets
- access to government information, and
- otherwise seeking government support to undertake a specific commercial activity.

The form of government support sought by a proponent in a market-led proposal will often include a request for an exclusive mandate for a proponent to develop its proposal, negotiate an agreement and/or deliver the project. Exclusive mandates may be sought by proponents to help secure their initial investment in the development or implementation of the proposal.

While an exclusive mandate is in effect, the Government will not grant similar rights to any other proposal, where the objective of that proposal is in regard to the same service, infrastructure or other similar requirement.

The benefit to the Government in providing an exclusive mandate is that it can potentially increase the willingness of a proponent to develop an innovative proposal or invest in service or infrastructure delivery, thereby enhancing project viability. Additionally, engaging in exclusive negotiations may accelerate the procurement and delivery process.

For the Government to deal exclusively with a market-led proposal, it is expected that the proposal will not normally require the Government to accept any material project risks and/or costs or to make service and/or facility payments to the proponent. Any material cost or risk exposure that is proposed to be allocated to the Government would need to be considered in context with the benefits expected to be gained by the Government.

It is a matter for assessment by the Government to determine if such benefits can be gained in practice and whether they are expected to outweigh the inherent disadvantages of an exclusive dealing (e.g. a loss of ability to satisfy value for money tests based on market-based competition) and therefore achieve an acceptable value for money outcome for the Government.
Assessment of a market-led proposal

The Government will have regard to the following criteria when assessing a market-led proposal and considering whether to provide an exclusive mandate:

- **Community need/government priority**: The contribution of the proposal to the satisfaction of community need and achievement of government priorities.
- **Value for money**: The proposal is demonstrated to be fairly and sustainably priced, relative to comparable domestic and international ventures (i.e. where relevant value for money comparisons exist).
- **Uniqueness and intellectual property**: The proposal demonstrates why it is unique in its ability to achieve a government priority outcome(s) and is unable to be replicated by a competitor. Uniqueness may be supported by the identification of genuine intellectual property rights, without which the proposal could not proceed to implementation.
- **Benefit of proponent's preliminary investment**: The extent of the proponent’s preliminary investment in developing the proposal (relative to the value of the project) where this is demonstrated to contribute to future benefits for the Government (i.e. not merely sunk costs).
- **Risk/cost allocation**: Demonstration that the proposed allocation of responsibility for project costs and risks is acceptable to the Government.
- **Capacity and capability of proponent**: Demonstration that the proponent has the financial and technical capacity and capability to undertake the project to successful completion.
- **Feasibility**: Demonstration that the proposal is likely to be technically, commercially and practicably feasible.
- **Public interest and benefits to the Government**: Demonstration that proceeding via an exclusive mandate, instead of through a competitive process, is in the public interest and provides benefits to the Government.
- **Competing proposals**: For a market-led proposal to be executed by the Government on an exclusive basis, the Government needs to be satisfied that:
  - a proposal addressing the same or similar need is not already being considered by the Government; and
  - there are no competing proposals addressing the same or similar need already under active and advanced consideration.

If either of the conditions regarding competing proposals is not satisfied, the Government should satisfy itself that the proposal enjoys such demonstrable advantage over any other potential proposals that calling for expressions of interest could not be reasonably expected to generate a better value for money outcome for the Government.

The Government reserves the right to subject any market-led proposal to competitive processes, or not proceed at all, should the proposal fail to meet any of the above criteria to the Government’s satisfaction at any point during the assessment process outlined in this document. In the event of a competitive process being implemented, the proponent will be able to participate in this process but will have the same rights as any other participants. The Government will respect any intellectual property owned by the proponent.

Essentially, the proponent must be able to demonstrate why the proposal is unique in its ability to achieve a government priority outcome(s), is unable to be replicated by a competitor and justifies a different process to a traditional open market tender process. Unless this can be demonstrated conclusively, if there is merit in the investigations proceeding, the Government’s default position is for the market to be tested through a competitive process to determine a value for money outcome.

Many market-led proposals received by the Queensland Government have been determined to not demonstrate unique attributes to warrant the granting of an exclusive mandate. Proposals and proponents may be considered unique if:

- the proponent owns or controls land, intellectual property or other legal rights that limit competitors from being able to deliver the same outcomes, or
- there are no competitors or those currently in the market would be unable to deliver the same outcomes, or
- a combination of unique attributes are demonstrated by the proponent to create a unique proposal and constitute an innovative departure from previous practice.
Key features of an exclusive mandate

An exclusive mandate can be structured to suit the particular characteristics of the proposal, the objectives sought by the Government and the relevant stages of the assessment process and project implementation/operation.

Key features of an exclusive mandate may include (but are not limited to):

- It is granted at the Government’s sole discretion, subject to specific terms and conditions specified by the Government, having regard to the particular characteristics and circumstances of the proposal.
- It is subject to the proponent being responsible for its own costs and meeting the reasonable costs of the Government in assessing the proposal (including, but not limited to, internal resources applied to the assessment, external advisor fees and reasonable travel and other costs as required) during all stages of the assessment process outlined in these Guidelines.
- Conditional or limited exclusivity may be granted while the proposal is being advanced through the assessment process. For example, during each of the stages, the Government may grant an exclusive mandate in order for the proponent to develop the proposal for the following stage.
- If a proposal is accepted by the Government for implementation, ongoing exclusivity during operation may be subject to achieving specific performance measures or may expire in certain circumstances or after a fixed period.

Exclusivity during the assessment process will not preclude the Government’s engagement with other parties in relation to Stage 1 assessment of their proposals in order to ascertain the proposed offering and the potential for alternative development. This may help to inform consideration of the competing proposals assessment criteria.

Process for consideration of market-led proposals and potential granting of an exclusive mandate

The procedure for progressing a market-led proposal through to the development of a finalised binding contract is set out below and in the flowchart included at Appendix 1.

The process involves following stages:

- Pre-submission Stage: Informal Proposal Review
- Stage 1: Initial Proposal
  - A) Preliminary Assessment
  - B) Strategic Assessment
- Stage 2: Detailed Proposal
- Stage 3: Final Binding Offer

The Government reserves the right to develop a Terms of Reference document for agreement between the Government and the proponent, prior to or during any assessment stage. In these instances, this agreement may include arrangements for proponent reimbursement of costs incurred by the Government and detail agreed confidentiality, communication and probity protocols for these interactions.

In most cases, the assessment team and/or the MLP Panel will maintain regular contact with a proponent, while all formal communication to proponents regarding the results of the assessment stages will be from the Under Treasurer, on behalf of the State.
Pre-submission Stage: Informal Proposal Review

This stage is optional but strongly recommended. Prior to committing substantial resources to the development of a proposal and formally submitting it to the Government, proponents can contact Queensland Treasury to discuss the key attributes, benefits, requirements and assumptions underlying the potential proposal.

A key consideration at this stage is the ability of the proponents to explain the unique attributes of both the proposal and the proponent’s ability to deliver. To allow for any meaningful discussion at this stage, the proposal needs to be developed to an extent that key inputs and outcomes have been identified, significant assumptions and requirements of the Government (if any) are able to be articulated and other important elements are clear. An initial version of the Minimum Information Requirement template (Appendix 2) should be completed along with the Pre-submission Checklist (Appendix 3).

The Government may provide feedback at this stage regarding consistency with these Guidelines and the priorities of the Government. However, it should be noted that it is entirely the proponent’s decision as to whether it proceeds to making a formal initial submission under Stage 1.

Stage 1: Initial Proposal

The objective of the Initial Proposal stage is for the proponent to provide the Government with a high level outline. This is to enable the Government to form a preliminary view as to whether there is a valid justification to develop and assess the market-led proposal in a more detailed manner (i.e. proceed to Stage 2). Where the proposal relates to infrastructure, the Government will make its findings in consultation with Building Queensland.

The proponent’s submission should describe the proposal and how it addresses the criteria outlined in this document. The Minimum Information Requirement template (Appendix 2) must be completed in full. The proponent may also submit a detailed proposal document.

A) PRELIMINARY ASSESSMENT

In this stage a preliminary assessment will be undertaken by the Government to determine if the submission constitutes a market-led proposal and if sufficient justification possibly exists for an exclusive mandate and thus the undertaking of a more detailed Strategic Assessment under Stage 1B. The Government reserves the right to further consider, or not consider, a market-led proposal beyond this stage at its absolute discretion.

Following receipt of the Initial Proposal, the Government may undertake a review of the proposal against the criteria to determine if it contains relevant information to enable an assessment to be performed. Further information may be sought from the proponent at this stage. If required, the Government may consult other relevant agencies regarding the proposal.

The Government’s MLP Panel (with advice from the assessment team and, if relevant, Building Queensland) will make recommendations about a proposal at the end of Stage 1A. The Government will then advise the proponent in writing regarding the findings from Stage 1A decision, to confirm that either:

- the proposal is suitable to proceed to Stage 1B: Strategic Assessment, or
- the proposal is suitable to proceed straight to Stage 2: Detailed Proposal, subject to any specific terms to be agreed with the Government, or
- the proposal is not suitable for further consideration on an exclusive basis (i.e. may instead form the basis of a competitive bidding process), or
- the proposal is not suitable for further consideration.

Note that Government has the sole discretion to determine the outcome of the Stage 1A: Preliminary Assessment. Proceeding straight to Stage 2 will only occur in exceptional circumstances where a sufficiently detailed proposal has been supplied by the proponent to allow for the preliminary and strategic assessments to be undertaken concurrently. Generally, it is recommended that the initial proposal submitted by the proponent be sufficient only for the preliminary assessment. This will ensure project costs for the proponent are minimised should the Government determine that the proposal is not suitable for further consideration.

B) STRATEGIC ASSESSMENT

In this stage, the Government will undertake a comprehensive initial assessment of the proposal to identify the potential benefit to the Government of further consideration and development with the proponent. It is very likely at this stage that the Government will ask the proponent to supply further information to support the more comprehensive assessment.

The Government may again undertake any review, assessment, consultation or request for information requirements as identified in Stage 1A: Preliminary Assessment.

At the completion of Stage 1B, the MLP Panel (with advice from the assessment team and, if relevant, Building Queensland) will make recommendations about the proposal. The Government will then advise the proponent in writing regarding the findings from Stage 1B decision, to confirm that either:

- the proposal is suitable to proceed to Stage 2: Detailed Proposal, subject to any specific terms to be agreed with the Government, or
- the proposal is not suitable for further consideration on an exclusive basis (i.e. may instead form the basis of a competitive bidding process), or
- the proposal is not suitable for further consideration.
Stage 2: Detailed Proposal

The objective of the Detailed Proposal stage is for the proponent to demonstrate in a more detailed manner the extent to which the market-led proposal satisfies the criteria (and any other relevant matters determined through Stage 1).

The Stage 2 assessment will be undertaken by the assessment team, with assistance from Queensland Treasury. Where the proposal relates to infrastructure, consultation will also be undertaken with Building Queensland.

This more detailed development will enable the Government to decide whether or not to proceed to Stage 3, whereby the Government enters into negotiations with the proponent in order for it to prepare and lodge a Final Binding Offer for the progression and delivery of the proposal.

To commence the Detailed Proposal stage, the Government and the proponent may enter into an agreement, setting out:

- the nature and terms of the arrangement, including the time period for preparation of the detailed proposal and the basis on which the Government will engage with the proponent and any other potential proponents during that period (e.g. defining the terms for exclusivity, if any)
- the information and format of the detailed proposal, including the nature and level of detail required by the Government to inform the assessment process
- the criteria to be used to assess the detailed proposal (including any additional criteria following Stage 1)
- the terms for recovery of the Government’s assessment costs from the proponent
- confidentiality, communication and probity protocols.

During this stage, the proponent will:

- develop a detailed proposal that provides sufficient information to enable a government determination on whether the project meets the assessment criteria, and where requested by the Government, provide additional information or participate in meetings or workshops to clarify the proposal and respond to any questions to assist the Government’s assessment of the proposal.

At the completion of Stage 2, the MLP Panel (with advice from the assessment team and, if relevant, Building Queensland) will make a recommendation for consideration by the Government that either:

- the proposal is suitable to proceed to Stage 3: Final Binding Offer, subject to any specific terms to be agreed with the Government, or
- the proposal is not suitable for further consideration on an exclusive basis (e.g. may instead form the basis of a competitive bidding process), or
- the proposal is not suitable for further consideration.

Stage 3: Final Binding Offer

The Final Binding Offer stage involves the negotiation of an exclusive mandate contract between the Government and the Proponent. Queensland Treasury, with the relevant line agency, will undertake the negotiation and prepare a contract for consideration by the Government.

The Final Binding Offer should reflect the detailed proposal, subject to the feedback from the assessment of the Detailed Proposal at Stage 2, and set out the proposed agreement between the Government and the proponent of the legal and commercial terms for the delivery of the proposal. It is preferred that the Final Binding Offer should be a legally binding contract capable of unconditional acceptance and execution, at the Government’s absolute discretion.

During this stage Queensland Treasury may:

- advise the proponent of the process and protocols for the development of the Final Binding Offer
- engage appropriate expert advisors (e.g. legal, financial and technical)
- advise the proponent of any elements for negotiation and agreement in preparation of the Final Binding Offer
- develop the contract management arrangements setting out how to monitor implementation and operational stages of the project and ensure contracted outcomes are achieved
- undertake a comprehensive assessment of the contractual documentation included in the Final Binding Offer submitted by the proponent
- prepare a report for the Government on the Final Binding Offer advising the outcome of the assessment and seeking a decision on next steps.

At this point the Government may decide to:

- accept the terms contained in the Final Binding Offer and approve that documentation be executed on this basis, or
- accept the Final Binding Offer subject to specific conditions, or
- not accept the Final Binding Offer and conclude the market-led proposal assessment process

Where a market-led proposal is not accepted by the Government and instead an alternative process is undertaken (e.g. competitive bidding process or third party development) government agencies must not inappropriately disclose or utilise any genuine intellectual property provided by a proponent to the Government. Expert legal and probity advice may be required in this instance.
Where a market-led proposal is accepted by the Government, the agency responsible for implementation should take appropriate steps to ensure that the Government’s obligations under the terms of the agreement are met. This can include consultation with other relevant agencies as to the nature of the agreement and any specific actions or exclusions. The processes by which the Government can implement and abide by the terms of the proposed agreement should be considered in advance of concluding the agreement and be clearly articulated. In this respect, any ongoing obligations or legal risks for the Government should be minimised and only countenanced in context with the benefits to be realised by the Government through the arrangement.

6

Probity Framework

The Government will apply established probity principles and protocols in the engagement with proponents and the assessment of market-led proposals to ensure that the following probity objectives are achieved:

• there is confidence in the independence, transparency, fairness, confidentiality, security and accountability of the evaluation and decision making process.
• decision making follows approved frameworks and is capable of withstanding objective and independent scrutiny.
• decisions deliver the best outcomes for the Government.
• public service integrity is maintained.
• commercially sensitive and confidential information (e.g. intellectual property of the proponent) is protected.
• potential for conflicts of interest, misconduct, fraud and corruption are minimised.

If considered appropriate, the MLP Panel and/or assessment team may engage a probity advisor at any point in the process described in these Guidelines, to assist in ensuring that the assessment process described in these Guidelines is conducted in accordance with probity principles.
Appendix 1 – Market-led Proposal Flowchart

Stage 1 – Initial proposal

Stage 1A – Preliminary assessment
Proponent:
- Prepare high level proposal outline
- Complete Minimum Information Requirement template
MLP Panel
- Form assessment team to undertake initial assessment
- Consult BQ for infrastructure proposals
- Make recommendation to Government

Suitable to proceed under Guidelines?

Stage 1B – Strategic assessment
Proponent:
- Provide additional information as requested
Assessment team
- Comprehensively assess initial proposal
- Identify benefits to Government
- Consult BQ for infrastructure proposals
- Make recommendation to MLP Panel
MLP Panel
- Make recommendation to Government

Suitable to proceed to Stage 2?

Stage 2 – Detailed proposal
Proponent:
- Prepare and submit detailed proposal
- Provide additional information as requested
Assessment team
- Assess the detailed proposal
- Request further information required
- Consult BQ for infrastructure proposals
MLP Panel
- Make recommendation to Government

Suitable to proceed to Stage 3?

Stage 3 – Final Binding Offer
Proponent & Queensland Treasury and Line Agency
- Negotiate legal and commercial terms
Queensland Treasury and Line Agency
- Complete comprehensive assessment of the Final Binding Offer executable documentation (based on final binding offer)
- Prepare Final Binding Offer for consideration by Government

Final Binding Offer accepted?

Suitable for competitive process?

Normal tender processes apply

Proponent notified of outcome

Proponent notified of outcome
Project transferred to relevant agency for implementation

The Government reserves the right to further consider, or not consider, a market-led proposal at any stage as its absolute discretion.
The Government reserves the right to further consider, or not consider, a market-led proposal at any stage at its absolute discretion.

Appendix 2 – Minimum information requirements

Having regard to the criteria in these Guidelines, this form is to be completed by a proponent providing a market-led proposal for government consideration and seeking an exclusive mandate to develop a project in Queensland.

An initial version of this form should be prepared for the Pre-submission Stage. A more detailed version should be prepared and submitted in Stage 1A. Proponents may also wish to submit and cross reference a proposal document in addition to this form.

<table>
<thead>
<tr>
<th>Proponent's details</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[Include name, address, type of organisation, etc]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[Include names of contact staff for this proposal and phone, email, etc]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submission Date</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Title and abstract</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[Give the proposal a name and provide a short description (approx. 200 words)]</td>
<td></td>
</tr>
</tbody>
</table>

| Detailed proposal description |  |
[Should include, but not be limited to:

- proposal description, location and indicative cost
- proposal need and demand analysis
- anticipated timeframes and milestones for design and planning, development and operational periods;
- the proposed funding structure and sources of funds
- the proposed technical solution
- affected stakeholders and the plan for addressing their interests
- the nature of the concession and/or mandate sought from the Government (e.g. an exclusivity period, sole developer rights, etc.)
- any other information which will assist the Government in understanding the project.]

Assessment criteria

[Provide brief statements explaining how the proposal meets each of the assessment criteria.]

Community Need/government priority:

[Demonstrate the extent to which the proposal would satisfy a legitimate community or economic need or government priority.]

Value for money:

[Demonstrate how the proposal is fairly and sustainably priced relative to comparable domestic and international ventures.]

Intellectual property:

[Description of the nature of any intellectual property involved in the proposal, without which the proposal could not proceed to implementation, assertions of intellectual property, and any associated confidentiality requirements, should be clearly documented.]

Benefit of proponent’s preliminary investment:

[Outline already expended/committed resources for the development of the proposal and how this contributes to future benefits for the Government (i.e. not merely sunk costs).]

Risk/cost allocation:

[Outline proposed risk and cost allocation between key stakeholders for risks involved in the development and execution of the proposal (over the entire project lifecycle). Include discussion of how these risks could be managed.]
Capacity and capability of proponent:
[Description of the parties involved and details of any project vehicles (e.g. relevant corporate structures and/or joint ventures).]

[Demonstrate capacity of the proponent to deliver the proposal throughout all stages of project planning and delivery, including:
• a description of the proponent’s prior experience with similar projects, including in regard to public sector governance and accountability requirements
• a description of the financial and technical resources to undertake and complete the project
• a description of the nature and extent of board approvals and financial support for the proposal
• the extent to which external resources will be required to undertake the project.]

Feasibility:
[Discuss project feasibility, including the financial, commercial, legal, regulatory, technical, environmental and social impacts, project demand and practical feasibility of the proposal. Where possible, this should be supported by third party reports (e.g. financial, legal or technical advisors).]

[Specific areas for explanation may include:
• description of any interfaces between the proposed project and other infrastructure or projects
• description of the extent to which third party agreements will be required to progress the project, including adjoining landholders, occupants, tenants, customers, vendors or other parties
• description of whether the proposed project introduces new complexities to existing arrangements or requires any regulatory or legislative amendments
• description of proposed arrangements to provide for third party access and/or common user provisions.]

Public interest and benefits to the Government:
[Demonstrate how acceptance of the proposal by the Government and the granting of an exclusive mandate would be in the public interest, including by describing:
• the unique benefits of the proposal to the Government over alternative options
• the governance arrangements which would be put in place to ensure the best outcome for the Government.]

Competing proposals:
[Demonstrate how the proposal enjoys advantages over other potential proponents such that calling for expressions of interest via a competitive process could not reasonably be expected to generate a better value for money outcome.]

Other statements
[Include any conflicts of interest or environmental impacts.]

Proposed contractual arrangements

Previous contact with the Government
[Provide name, agency and contact details of anyone within the Government with whom previous discussions about this project have occurred.]

Expiry
[Advise of the time period that the proposal will remain valid for—must be a minimum of six months]

Sign-off
[Must be signed by a representative of the proponent authorised to represent and contractually bind the proponent.]

Name:

Position:

Signature:

Date:
Appendix 3 – Pre-submission stage checklist

The following checklist should be completed prior to commencing informal discussions with the Government under the Pre-submission stage.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Have you completed an initial Minimum Information Requirements template?</td>
</tr>
<tr>
<td>2.</td>
<td>Are you the only party that could deliver your proposal?</td>
</tr>
<tr>
<td>3.</td>
<td>Have you documented why the product/service you are proposing (or similar) cannot be delivered by a competitor?</td>
</tr>
<tr>
<td>4.</td>
<td>Do you own any intellectual or real property required for your proposal? Have you documented your ownership?</td>
</tr>
<tr>
<td>5.</td>
<td>Does your proposal contain unique elements that could not be replicated by others, other than related to intellectual or real property?</td>
</tr>
<tr>
<td>6.</td>
<td>Does your proposal contain unique elements that would require the Government to contract with your company if the Government went to tender?</td>
</tr>
<tr>
<td>7.</td>
<td>Have you documented the unique elements (other than related to intellectual or real property) of your proposal that could not be replicated by others, and which provide tangible benefits to the Queensland Government?</td>
</tr>
<tr>
<td>8.</td>
<td>If you answered NO to any of these questions, have you documented in the initial Minimum Information Requirements template the basis on which you believe the Government should consider your proposal, given that it is not likely to meet the basic criteria set out in these Guidelines? Note – in some cases the Government may recognise merit in your proposal but want to test the market to confirm value for money.</td>
</tr>
</tbody>
</table>