

# Unsolicited Proposals - Step by Step Guide

A step by step guide for schools and directorates after receiving an unsolicited proposal to sponsor, partner with, or supply to the department. An unsolicited proposal is one that is not in response to a specific request from the department (the department request may take the form of a procurement request for tender, or a request for expressions of interest for sponsorship and collaboration opportunities).

## Step 1: Evaluate the offer

Evaluate whether the offer is of value to the department. Based on this decide whether your directorate or school would like to accept the offer, decline the offer or create an open Expression of Interest or Request for Tender process to capture other possible sponsors or suppliers.

## Step 2: Decline, accept, or advertise as an open opportunity

Proceed with one of three possible courses of action:

- **Decline the offer**

The department may decline an unsolicited proposal if:

- the department is not seeking support for the relevant area/initiative
- the proposal does not align with the department's goals or current projects
- accepting the proposal would require department time and resources that are not available

When declining an unsolicited proposal, a school or directorate can direct the organisation to the department's procurement webpage (if the offer is a request to commercially supply to the department), or to the NSW Government's unsolicited proposals webpage (if the offer is to supply or partner on an innovative solution).

Notify the organisation in writing. The following template response may be used:

*Thank you for contacting the NSW Department of Education.*

*For further information about working with the department and opportunities to respond to open tenders please visit the [Supplying to us](#) page on the department's website which outlines our procurement plan, current contracts and details of a*

*series of procurement forums where Procurement Solutions share information about specific purchasing categories.*

*As a NSW Government agency we follow procurement processes for third party products and services to ensure transparency and equity for businesses and individuals seeking to work with us. You may wish to find out more about offering products and services to a NSW government agency at <https://buy.nsw.gov.au/>.*

*The NSW Government is continually seeking to capture value and explore unique and innovative ideas from industry that provide real and tangible benefits to the people of NSW. The Unsolicited Proposals process is designed to encourage non-government sector participants to approach government with innovative commercial proposals, where the government has not requested a proposal and the proponent is uniquely placed to provide a value-for-money solution. Further information about the unsolicited proposals process the department and all NSW government agencies must follow can be found at <https://www.nsw.gov.au/nsw-government/unsolicited-proposals>.*

**If you wish to decline an offer, the step by step guide ends here.**

- **Accept the offer**

The department may accept an unsolicited proposal on three conditions:

- the organisation aligns with the department's values and the proposal aligns with our strategic goals
- accepting the offer does not create a conflict of interest
- the proposal meets one of the following criteria:
  - the organisation is a sole supplier or one of a very limited number of suppliers
  - there is reason to believe no other competitor could provide the same or a better offer - i.e. if the offer is unique
  - calling an EOI or tender is not feasible because the offer contains commercial-in-confidence material or intellectual property
  - calling an EOI or tender is not feasible because the offer is a one-off of major benefit requiring a quick decision
  - calling an EOI or tender is not feasible because deadlines prohibit further market testing.

- **Advertise as an open opportunity**

Establish what the department would like to gain from accepting the unsolicited proposal and formulate this into a general request for expressions of interest for a sponsorship/collaboration opportunity or a request for tender that allows the opportunity to be shared publicly with all potential relevant suppliers.

*For further information on completing an EOI process refer to **Section 17.3 of the implementation procedures**, or contact [Business Engagement and Development](#).*

### **Step 3: Document the decision**

Document the decision to accept the proposal, or to complete an open Expression of Interest process. Keep a record of the criteria that allowed the department to accept the proposal and outline the reasons why the department did not consider an open process.

*This could be an email to a Director or Executive Director outlining and seeking endorsement for the decision to accept the unsolicited proposal.*

### **Step 4 Sign an agreement**

The agreement should ensure both parties clearly understand what is required of each other, and address any risks or special conditions (e.g. the use and ownership of intellectual property, the requirement for Working With Children Checks, or public liability insurance).

The type of agreement used, and the level of detail required should be commensurate with the size and complexity of the sponsorship arrangement or collaboration.

*This could be an email agreement, letter of agreement, sponsorship or collaboration agreement.*

### **Contact:**

Business Engagement and Development  
7814 3863  
[bed@det.nsw.edu.au](mailto:bed@det.nsw.edu.au)

### **Further reference:**

- [Direct Negotiations: Guidelines For Managing Risks](#) (August 2018)
- [ICAC releases guidelines to help public sector agencies manage corruption risks in direct negotiations](#) (media release, August 2018)
- [Unsolicited proposals: guide for submission and assessment](#) (August 2017)
- [Sponsorship under the procurement safety net](#) (June 2015)
- [Sponsorship in the public sector](#) (May 2006)