

## PROCESS FOR CONSIDERATION OF PARTNERSHIP PROPOSALS

Date and Reference of FRAC Authority Resolution	11 December 2018 FRACA000180
Review Frequency	Biennially
Review Date	
Next Review Due	December 2020
Related Documents	Charter 2015 Donations Policy Sponsorship Policy Strategic Plan 2018-2027
Applicable Legislation	Nil

### OVERVIEW

The Fleurieu Regional Aquatic Centre Authority (Authority) was established by constituent Councils, Alexandrina Council and the City of Victor Harbor, to enable the joint ownership of the Fleurieu Aquatic Centre (Aquatic Centre) by the constituent councils and the provision of facilities and services at the Aquatic Centre.

In line with the objects and purposes of the Authority as set out in its Charter 2015 (please refer below), the Authority develops collaborative relationships with a range of organisations and groups to assist in delivering on those objects and purposes.

The Authority, from time to time, may be presented with Partnership Proposals from proponents looking to engage with the Authority and / or the Aquatic Centre.

The Authority is committed to the achievement of its Charter objectives. By introducing this process, the Authority is creating a clear pathway for prospective partners to submit innovative and unique ideas that align with the Authority objectives and Strategic Plan 2018-2027.

This process provides a transparent framework for both proponents and the Authority to inform themselves with respect to consideration of proposals relating to either the Authority or the Aquatic Centre or both.

The document's main objective is to provide consistency and clarity to any parties involved in a Partnership Proposal, both commercial and non-commercial, on how proposals are evaluated and provided in order to meet the Authority objectives, ensure public interest and achieve appropriate delivery. The process will ensure accountability and fairness are maintained throughout the Authority's process of consideration of all Partnership Proposals.

### BACKGROUND

The Authority, through a range of plans, policies, processes and contractual arrangements, strategically directs the Aquatic Centre as a business operating in a competitive market.

The Authority manages its operations in line with the objects and purposes of its Charter 2015 which include:

- to undertake the care, protection, management, operation and improvement of the Aquatic Centre and its associated facilities and services in an efficient, effective and sustainable manner;
- to pro-actively manage the business of the Aquatic Centre in a competitive and changing environment;

## Process for consideration of partnership proposals

- to deliver effective and sustainable service provision for the Constituent Councils, customers of the Aquatic Centre and the regional communities of and surrounding the Constituent Councils;
- to contribute to the education and welfare of the Constituent Councils and the wider community through the facilitation of various aquatic programs;
- to foster social inclusion through the provision of a community place providing a variety of aquatic programs and associated services and facilities;
- to maximise participation in and use of the aquatic programs provided at the Aquatic Centre and the facilities and services of the Aquatic Centre by users of all ages and abilities;
- to undertake key strategic and policy decisions for the purpose of enhancing and developing the Aquatic Centre;
- to establish and demonstrate ethical policies and standards, in accordance with the rights of customers and industry standards; and
- to, as far as possible, be financially self-sufficient.

### PURPOSE

- To set clear, transparent criteria for consideration of Partnership Proposals that may be received by the Authority in relation to its operations or the operations of the Aquatic Centre.
- To ensure that all proposals received are considered on merit, in line with set criteria, and considered in a consistent and transparent manner.
- To set a transparent process for the consideration of such Partnership Proposals for provision to Proponents.

### DEFINITIONS

Partnership Proposal	A written document outlining the details of a proposed relationship, interaction or exchange of resources between two parties.
Proponent	Any person or organisation that submits a Partnership Proposal

### GUIDING PRINCIPLES

#### Why submit a Partnership Proposal?

The Authority recognises both the value of collaborative partnerships and the limitations of its resources to meet Charter objectives. By having a process to manage consideration of Partnership Proposals, the Authority can ensure value to the community from partnership outcomes.

To be considered by the Authority, Partnership Proposals must demonstrate a mutually beneficial outcome between the Proponent and the Authority.

This would require a Proponent to propose one or more of the following:

1. A unique proposal that will result in improvement to and/or expansion of the facilities and services at the Aquatic Centre
2. A unique proposal that will result in improvement to the effectiveness and efficiency of operations at the Aquatic Centre and / or the overall financial sustainability of the Authority
3. Any other considered innovation with net benefits to the Authority in line with its Charter objectives.

## Process for consideration of partnership proposals

While the submission of genuine Partnership Proposals is encouraged, proposals which are not consistent with the tests for public interest, appropriate risk allocation, and/or value for money, which are set out in this process document, may be rejected.

The following do not constitute a Partnership Proposal and, generally, will not be considered under this process:

- Proponents currently providing goods or services to the Authority or the Aquatic Centre seeking to bypass a future tender process
- Proposals for extensions to existing contracts
- Proposals to provide widely available goods or services to the Authority or the Aquatic Centre
- Proposals for consultancy services.
- Proposals seeking grants, donations or sponsorship

### Guiding principles

The Authority has adopted the following core principles to guide the consideration of Partnership Proposals:

- Encourage unique and innovative opportunities and ideas that are in line with Charter objectives
- Ensure the Partnership Proposals process is not used as an avenue to circumvent due process, legislative requirements, or existing policies and procedures
- Focus primarily on ideas that align with Authority Charter objectives and strategic priorities
- Recognise that the opportunity to take advantage of Partnership Proposals will often require a timely response, yet not at the expense of transparency and due diligence

### Objectives

The Authority has adopted a number of broad objectives when considering Partnership Proposals. They aim to ensure net benefits are delivered to the Authority and to reduce unnecessary work for the Proponent and the Authority.

The broad objectives are:

- Upholding Public Interest to ensure partnerships serve to benefit the public at large from a social, economic and environmental perspective
- Ensuring the proposal presented supports the objectives of the Authority Charter and Strategic Plan
- Ensuring a delivery method is used that is both reasonable and cost-effective
- Ensuring appropriate delivery of the arrangement between the Authority and the Proponent in terms of applicability, transparent process, accountability, competition and contestability, commercial viability and risk sharing.

These objectives may guide discussion but do not represent assessment criteria and are not part of a formal evaluation process.

### **Upholding Public Interest**

The following public interest questions may be considered in determining whether to progress a proposal:

1. Does the proposal align with the Authority's Charter objectives and strategic priorities?
2. Will the proposal produce net benefits (financial and/or economic) for the Authority and the communities it serves?

## Process for consideration of partnership proposals

3. Will the proposal have a positive or negative sustained impact on the community and/or environment?

The following factors will be considered on a case-by-case basis when assessing Partnership Proposals:

- Intellectual property
- Genuinely innovative ideas
- Unique financial arrangements
- Unique ability to deliver a strategic outcome; and/or
- Other demonstrably unique elements which claim to deliver significant net benefits.

The Authority reserves the right not to proceed with any Partnership Proposal in its unfettered discretion.

### **Net economic benefit**

Partnership Proposals may be subjected to assessment methods that estimate benefits and costs to the Authority. In all cases the Proponent will need to provide sufficient evidence that the project delivers net economic benefit to the Authority by quantifying the net benefits and the potential risks to the Authority and the Proponent.

Any Partnership Proposal seeking to place risks, costs or payment obligations on the Authority will be subject to a detailed financial appraisal before the Authority proceeds with a proposal. This is integral to determining the net financial cost of the proposal.

### **Ensuring appropriate delivery**

As Partnership Proposals may involve the Authority partnering with the private sector – appropriate consideration will need to be given to appropriateness of delivery processes.

The Proponent must present the following in their proposal:

- The Proponent's preferred commercial approach (if applicable);
- The role, responsibilities and contribution required of the Authority in delivering the proposal;
- Where relevant; proposed delivery model including planning and operational arrangements (as required);
- Appropriateness of the proposed risk allocation between the Proponent and the Authority.

The evaluation of proposals will also take into consideration the uniqueness of the proposed delivery approach in terms of the ability of other third parties to provide similar benefits, and whether the proposal could create a monopoly position which could impair existing markets or disbenefits the community.

To test the impact of the market, the Authority reserves the right to undertake a competitive bidding process in its unfettered discretion.

## PROCESS

### **Pre-proposal meetings**

Prospective Proponents are encouraged to request a pre-proposal meeting with Authority representatives. Pre-proposal meetings aim to ensure awareness of the expectations of both the Authority and the Proponent, and ensure those Proposals not considered to meet the definition of a Partnership Proposal in accordance with these guidelines can be appropriately redirected in a timely manner.

## Process for consideration of partnership proposals

### Submitting a Partnership Proposal

In lodging proposals, Proponents should consider the Guiding Principles and Objectives outlined above. This is to ensure sufficient consideration and diligence has been carried out to determine if the proposal is an appropriate fit for the Authority and the communities it serves.

The recommended format for a Partnership Proposal is a brief and concise proposal overview that can be assessed in accordance with the principles, objectives and processes set out in this document.

All proposals must be submitted in writing to the Authority Executive Officer.

The Authority Executive Officer will take the lead role in the receipt, coordination and consideration of Partnership Proposals.

By not submitting a Partnership Proposal in accordance with this process, Proponents will not be afforded the benefits of consideration under this formalised framework.

### Proposal consideration

The Authority Executive Officer will:

- Acknowledge receipt of the proposal;
- Perform an assessment, in collaboration with the Aquatic Centre Operational Manager, from which to make a recommendation to the Authority Board
- Aim to notify the Proponent within two calendar months of the results of the Authority Board consideration of the proposal

As the Authority Board meets generally bi-monthly, there may be a delay between the initial submission and consideration of the proposal. The estimated lead time from the initial submission to the notification of an outcome to the Proponent will be impacted by the complexity of the proposal and the need for any clarification and / or further correspondence.

### DELEGATIONS

The Authority Executive Officer has the authority to implement this process.

### AVAILABILITY OF PROCESS

This Policy will be available on the [Fleurieu Aquatic Centre Website](#).

### REVIEW

This Process for Consideration of Partnership Proposals shall be reviewed by the Authority at a minimum within two (2) years of issued date.

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#### Document History

VERSION	DOCUMENT	ACTION	DATE
1.0	Approved version	FRAC Authority endorsement	