

Unsolicited Proposals – Coalition Policies and Practices

OVERVIEW

There are two ways that the Coalition may garner ideas for P3 projects: internally, through recommendations or information gathered by staff, member counties, and board members; or externally, by having outside entities approach the Coalition with a project idea. This second, external method is what is known as unsolicited proposals—proposals for a project that were offered to the Coalition without a prior request (RFP, job listing, announcement, etc.).

Permitting unsolicited proposals have many advantages: they expose the Coalition to new or novel project ideas or technologies that may not have otherwise been explored; the outside entity may have already performed some research into the feasibility of the project or even begun work on the project, saving time and money; and the Coalition can expand its influence and gain more contacts with other public and private entities that it may work with in the future.

Some Utah State offices have lamented that under the procurement code they are not authorized to receive and follow up on unsolicited proposals without putting them through a procurement type bidding process. Best practices for public private partnership laws consistently recommend allowing unsolicited proposals.

CURRENT COALITION POLICIES

The Coalition's Policies and Procedures for Public-Private Partnerships specifically addresses unsolicited proposals in sections 2.01 and 2.02. Section 2.01 provides that the Coalition may receive unsolicited proposals, though it is not obligated to consider or review any particular proposal. Section 2.02 provides procedures for receiving and reviewing the proposals. Below is an outline of the Coalition's current procedures regarding unsolicited proposals:

- Private partner submits its unsolicited proposal to the executive director or other person designated to receive such proposals.
- The Coalition has 30 days to make an initial determination whether to consider or reject the unsolicited proposal and 60 days to review the proposal and decide whether to issue a public request for proposals.
- Importantly, the Coalition can enter into an Interim Agreement for planning, design and engineering, environmental analysis, rights of way, and funding without the public process for a comprehensive agreement. This is something that is unavailable under the Utah Procurement Code.
- If the Coalition decides to move forward with the unsolicited proposal, it does so by issuing a public request for proposals in accordance with its established procedures. By so doing, the Coalition invites input to ensure that the proposal is feasible, is transparent and open about its process, and protects itself by ensuring that it gets the best value.

Accordingly, the Coalition has a process for receiving and reviewing unsolicited proposals that is designed to ensure that the Coalition can limit and screen out unwanted proposals while taking advantage of any that look promising.