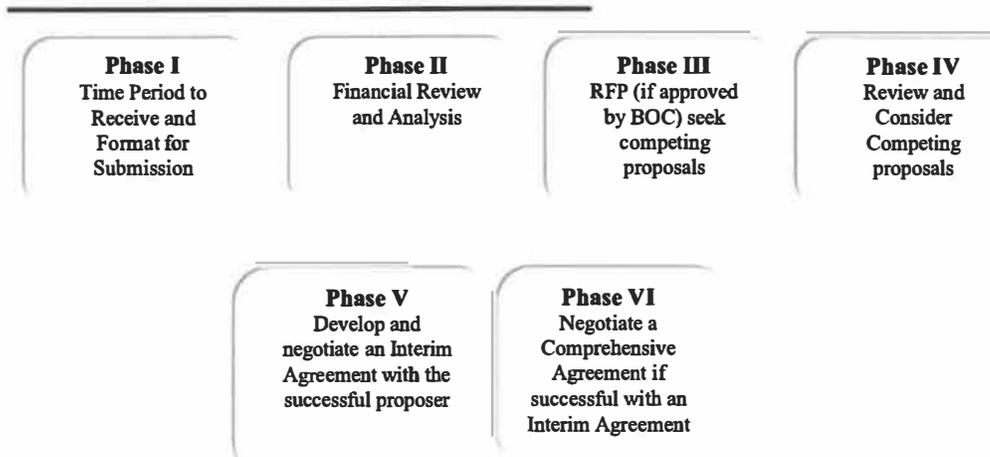




Guidelines and Procedures for Unsolicited Proposals



First Edition: May 2017
Second Edition: August 2, 2017
Third Edition: April 2, 2025

Approved amendment (ordinance) to Augusta, Georgia Procurement Code to include the adoption of Public-Private Partnership (P3) "Unsolicited Proposals". (Approved by Administrative Services Committee July 11, 2017) (Approved by Commission July 18, 2017 – Second Reading).

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DISCLAIMER

The guidelines contained in this document are for reference only. The material is provided without warranty or liability of any kind to Augusta, Georgia. Every effort has been made to make the documentation as complete and accurate as possible without error.

This information is provided on an “as” needed basis. Updates to these guidelines will be made as needed due to any error found in the documentation or as policy and management dictate.

As with any documentation or guidelines, improvements can and should be made. Any additions, suggestions or comments for improvement are encouraged. This documentation is not meant to be a complete instructional document. The intent is to provide guidelines that, if followed, will result in better quality and consistency plans and documents.

Augusta, Georgia’s Procurement Office perform annual compliance reviews of its PPFIA guidelines and periodically engage in a more comprehensive review of the guidelines and its overall PPFIA process.

Any recommendation for improvement to this documentation is welcome. Any errors found should be brought to the attention of the Procurement Department so corrections can be made. Any additional information or detailed explanation needed to this documentation should be documented and mailed or emailed to:

Darrell White, Interim, Director
Augusta Procurement Department
UNSOLICITED PROPOSAL GUIDELINES MANUAL
535 Telfair Street - Room 605
Augusta, Georgia 30901

E-mail to:

unsolicitedproposal@augustaga.gov

Georgia’s PPFIA Guidelines Committee has established a website to provide to serve as a resource to local governments, private entities and others interested in the PPFIA. The website includes previous reports of the PPFIA Guidelines Committee, a PPFIA Checklist and other documents, and hot links to other relevant websites. The website address is:

<http://opb.georgia.gov/documents/public-private-partnerships-guidelines-committee>.



Introduction by the Director

Augusta, Georgia is committed to improving the facilitation of infrastructure, service delivery and private sector investment within Augusta, Georgia. By introducing this policy, Augusta, Georgia is creating a clear pathway for prospective bidders to submit innovative and unique ideas that align with Augusta, Georgia's strategic agenda.

It is important genuine Unsolicited Proposals, which cannot be managed by normal procurement processes, have an alternative process that is both efficient and effective for prospective bidders and Government.

The *Guidelines for Unsolicited Proposals* provides a transparent structure for both proposers and Government to inform themselves with respect to the treatment of Unsolicited Proposals for public infrastructure, service delivery and private sector investment in Augusta, Georgia.

The document's main objective is to provide consistency and clarity to any parties involved in an Unsolicited Proposal submission, both private and public sectors alike, on how submissions are evaluated and tendered in order to meet Augusta, Georgia's principles of ensuring public interest, delivering value for money, and achieving appropriate delivery.

The Guidelines will ensure accountability and fairness are maintained throughout the Government's process of consideration of Unsolicited Proposals, while also maximizing value for money to Augusta, Georgia and staying within Augusta, Georgia's affordability envelope.

For additional information, please visit the following websites:

<http://www.augustaga.gov/unsolicitedproposal>

The PPFIA Guidelines Committee has established a website to provide to serve as a resource to local governments, private entities and others interested in the PPFIA. The website includes previous reports of the PPFIA Guidelines Committee, a PPFIA Checklist and other documents, and hot links to other relevant websites. The website address is: <http://opb.georgia.gov/documents/public-private-partnerships-guidelines-committee>.



Overview

Background

Developing a strong and resilient economy in Augusta, Georgia (local government) requires an appropriate level of investment to be maintained for economic infrastructure, such as transport links to allow the movement of resources, communications to support the spread of information and utility networks to provide basic services for businesses and households.

Historically, Augusta, Georgia has relied on traditional procurement methods to deliver capital and service requirements. While traditional approaches work well for simple and low risk infrastructure procurements, they do not always provide the incentives to innovate improve service delivery or realize whole of life value for money outcomes.

Georgia Governor Nathan Deal signed into law new public-private partnership (P3) legislation, the Partnership for Public Facilities and Infrastructure Act (SB 59) (hereinafter referred to as “the Act”) on May 5, 2015. The Act allows state and local government entities to partner with private entities on “qualifying projects,” broadly meaning any project deemed to meet a public purpose or public need and satisfying those requirements set forth under the Act.

The Act covers those qualifying projects pursued with local government entities, meaning any county, municipality, consolidated government, or board of education, as well as with state government entities, including institutions of the University System of Georgia.

On July 11, 2017 approved the conceptual model of Public-Private Partnership (P3) and on July 18, 2017 (second reading), the Augusta Commission adopted the model guidelines from the Partnership for Public Facilities and Infrastructure Act of 2015 Guidelines Committee. (A copy of the adopted policy is provided as Attachment A.) The policy addresses submittal requirements, proposal preparation costs, proposal evaluation process, and evaluation fees.

Georgia’s Bill SB59 - Public-Private Facilities and Infrastructure Act of 2015 (the “PPFIA”) Model Guidelines, www.augustaga.gov

Guideline and Procedures – AUGUSTA, GA CODE – Article 7, www.augustaga.gov.



Purpose of the Document

For the purpose of this policy, Augusta, Georgia defines an unsolicited proposal as an approach to Augusta by a Proponent with a proposal not requested by Augusta. The proposal must be a written proposal for a qualifying project that is received by Augusta, Georgia – Consolidated Government and is not in response to any request for proposal for a qualifying project issued by Augusta, Georgia at the published time and placed advertised by Augusta. As anticipated in all phases of these Guidelines (First Edition, March 2017), this Edition follows the commitment to perform a review approximately two years from their initial release.

Augusta, Georgia has defined key strategic and operational priorities for advancing the economic and social needs of Augusta, Georgia.

There may be opportunities for a partnership between Augusta, Georgia and the private sector that may not be at the forefront of Augusta, Georgia’s strategic priorities or infrastructure agenda. Similarly, some business activities that would normally be conducted by the private sector may nonetheless require Government support of some form. ‘Private entity’ means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other business entity, may also submit Unsolicited Proposals.

The *Guidelines for Unsolicited Proposals* policy document sets out the requirements of the Partnership for Public Facilities and Infrastructure Act (SB 59) (the Act) on May 5, 2015, model. It aims to provide consistency and certainty to the market on how Unsolicited Proposals will be assessed against key principles of the Augusta, Georgia in meeting its strategic objectives and providing value for money. The model will also promote standardization and consistency with respect to capital project planning and delivery.



Guidelines

Augusta, Georgia adopted the Public-Private Facilities and Infrastructure Act of 2015 (the “PPFIA”) (OCGA §36-91-110 *et seq.*) on July 18, 2017, Augusta, Georgia provides a process to partner with private entities for the development of a wide range of projects for public use if the public entities determine there is a need for such projects and that private involvement may provide such projects to the public in a timely or cost-effective fashion.

In order for a project to come under the PPFIA, it must meet the definition of a “qualifying project.” A “qualifying project” is defined broadly under the PPFIA. Specifically, the PPFIA defines a “qualifying project” as any project selected in response to a request for a local government or submitted by a private entity as an unsolicited proposal in accordance with the PPFIA and subsequently reviewed and approved by a local government, within its sole discretion, as meeting a public purpose or public need; provided, however, qualifying projects do not include projects involving generation of electric energy or sale, communications services, cable and video services and water reservoir projects.

The following guidelines have been adopted by the governing body of Augusta, Georgia (the “Local Government”) to govern the process for receiving, reviewing and approving unsolicited proposals for qualifying projects. Augusta, Georgia shall not consider any unsolicited proposal that has not been evaluated pursuant to Article 7 of the AUGUSTA, GA CODE.

In the event of any conflict between these guidelines and the PPFIA, the terms of the PPFIA shall control.

Augusta, Georgia utilizes a Six-phase process to evaluate unsolicited proposals.



Figure 1 illustrates the Six-phase process used by Augusta, Georgia.

The Six Phase Process aims to both incentivize the Proposers to submit Unsolicited Proposals, and provide a range of procurement mechanisms to deliver effective outcomes fit-for-purpose to each proposal and Augusta, Georgia.

At any stage, Augusta, Georgia reserves the right to cease its review or consideration of any unsolicited proposal.

Phase I

SEC. 1-10-67 TIME PERIOD FOR RECEIVING UNSOLICITED PROPOSALS AND FORMAT FOR SUBMISSIONS.

- (1) Time Period. Unsolicited proposals for qualifying projects will be received by the Augusta, Georgia. Proposals will be received by 3:00 PM Monday thru Friday beginning on the first business day of JANUARY and ending on the last business day of MARCH of each year. Such unsolicited proposals shall be in writing and shall be delivered to:

The Director of Procurement
Augusta Procurement Department
UNSOLICITED PROPOSAL
535 Telfair Street - Room 605
Augusta, Georgia 30901

Please submit six (6) copies and one bound and one unbound copy of the proposal.

All questions must be submitted in writing by fax to (706) 821-2811 or by email to unsolicitedproposal@augustaga.gov to the office of the Procurement Department. No Unsolicited Proposals will be accepted by fax, all must be received by mail or hand delivered.

- (2) Format for Submissions. Unsolicited proposals shall contain, at a minimum, the following information: (a) a project description, (b) a project feasibility statement, (c) a proposed project schedule, (d) a project financing plan, (e) a business case statement that shall include a basic description of any direct and indirect benefits that the private entity can provide in delivering the project, including relevant cost, quality, methodology, and process for identifying the project and time frame data, (f) a description of any anticipated public support or opposition, (g) qualifications and experience (h) names and addresses of persons who may be contacted and (i) any additional information as the local government may reasonably request to comply with the requirements of the PPFIA. Proposals should be prepared simply and economically, providing a concise description of the proposer's capabilities to complete the proposed qualifying project and the benefits to be derived from the project by the local government. Such proposals may also include any additional pertinent information as determined by the proposer.

Only proposals complying with the requirements of these guidelines and the PPFIA that contain sufficient information for a meaningful evaluation and that are provided in an appropriate format shall be considered by Augusta, Georgia for further review. If any information necessary to make a meaningful evaluation is missing, Augusta, Georgia may request such information from the proposer. Unsolicited proposals maybe subject to the Open Records Act.

The format and information to be included in any unsolicited proposal are as follows:

(a) PROJECT DESCRIPTION

Required to be included under PPFIA:

- (i) Provide a description of the project, including the location of the project, the conceptual design of such facility, or facilities, and a conceptual plan for the provision of services or technological infrastructure.

Required to be included by Local Government:¹

- (ii) Identify and fully describe the scope of work to be performed by the proposer with enough detail to allow an analysis by Augusta, Georgia.
- (iii) Identify and fully describe any work to be performed by Augusta.
- (iv) Identify any anticipated adverse social, economic, and environmental impacts of the project.
- (v) Identify the projected positive social, economic, and environmental impacts of the project.
- (vi) State assumptions related to ownership, legal liability, law enforcement, and operation of the project and the existence of any restrictions on Augusta's use of the project.

(b) PROJECT FEASIBILITY STATEMENT

- (i) A feasibility statement that includes:

- (A) The method by which the private entity proposes to secure any necessary property interests required for the project;
- (B) A list of all permits and approvals required for the project from local, state, or federal agencies; and
- (C) A list of public utility facilities, if any, that will be crossed by the project and a statement of the plans of the private entity to accommodate such crossings;

- (ii) Provide a list of any contingencies that must occur for the project to be successful.
- (iii) Provide a list of any other assumptions relied on for the project to be successful.
- (iv) Provide information relative to ongoing maintenance and operational costs after the project is completed.

¹ The items listed under the subheading "Required to be included by Local Government" are not required by the PPFIA to be included in a Local Government's Guidelines and may be modified or deleted by the Local Government prior to approval.

(c) PROJECT SCHEDULE

- (i) A schedule for initiation, construction, and completion of the project to include the proposed major responsibilities and timeline for activities to be performed by both the local government and private entity.
- (ii) A schedule for obtaining all federal, state, and local permits and approvals required for the project.
- (iii) Identify the proposed schedule for strategies or actions to mitigate known impacts of the project.
- (iv) Provide information relative to phased or partial openings of the proposed project prior to completion of the entire work.

(d) PROJECT FINANCING PLAN

- (i) A financial plan setting forth the private entity's general plans for financing the project, including the sources of the private entity's funds and identification of any dedicated revenue source or proposed debt or equity investment on behalf of the private entity; and description of user fees, lease payments and other service payments over the term of the proposed comprehensive agreement (as defined in the PPFIA); and a methodology and circumstances for changes to such user fees, lease payments and other service payments over time.
- (ii) Provide a preliminary estimate and estimating methodology of the cost of the work by phase, segment, or both.
- (iii) Submit a plan for the development, financing, and operation of the project showing the anticipated schedule on which funds will be required containing enough detail to allow an analysis by the local government of the financial feasibility of the proposed project. Describe the anticipated costs of and proposed sources and uses for such funds including any anticipated debt service costs. The operational plan should include appropriate staffing levels and associated costs. Include supporting due diligence studies, analyses, or reports. Identify the sources of the private entity's funds and identification of any dedicated revenue source or proposed debt or equity investment on behalf of the private entity.
- (iv) Provide a list and discussion of assumptions underlying all major elements of the plan. Assumptions should include all significant fees associated with financing given the recommended financing approach. In addition, complete disclosure of interest rate assumptions should be included. Any ongoing operational fees, if applicable, should also be disclosed as well as any assumptions with regard to increases in such fees.

- (v) Identify any local, state, or federal resources that the proposer contemplates requesting for the project. Describe the total commitment, if any, expected from governmental sources and the timing of any anticipated commitment. Such disclosure should include any direct or indirect guarantees or pledges of the local government's credit or revenue.
- (vi) Identify the amounts and the terms and conditions for any revenue sources.
- (vii) Describe a proposed allocation of risk and liability for work completed beyond the agreement's completion date, and assurances for timely completion of the project.
- (viii) Identify any aspect of the project that could disqualify the project from obtaining tax-exempt financing.

The unsolicited proposal may include financing options, including the imposition of user fees, lease payments or other service payments. Such financing arrangements may include the issuance of debt instruments, equity or other securities or obligations. Depending on Augusta's authority and the circumstances of each transaction, financing options might also include the use of special purpose entities, sale and lease back transactions, enhanced use leasing, development agreements, conduit financing and other methods allowed by law. Notwithstanding the foregoing, Augusta, Georgia shall not loan money to a private entity in order to finance all or a portion of the qualifying project. Also, a multiyear lease entered into by Augusta which is not terminable at the end of each fiscal year during the term of the lease shall be considered a debt of the local government which enters into such lease, and such lease shall apply against the debt limitations of the local government.

(e) **BUSINESS CASE STATEMENT**

- (i) A business case statement that shall include a basic description of any direct or indirect benefits that the private entity can provide in delivering the project, including relevant cost, quality, methodology, and process for identifying the project and time data.
- (ii) Identify who will benefit from the project, how they will benefit, and how the project will benefit the overall community, region, or state. Project benefits to be considered are those occurring during the construction, renovation, expansion or improvement phase and during the life cycle of the project.
- (iii) Identify any anticipated public support or opposition, as well as any anticipated government support or opposition, for the project.
- (iv) Explain the strategy and plans that will be carried out to involve and inform the general public, business community, and governmental agencies in areas affected by the project.
- (v) Specify the strategies or actions to mitigate known impacts of the project.

- (vi) Describe the anticipated significant benefits to the community, region or state, including anticipated benefits to the economic condition of Augusta and whether the project is critical to attracting or maintaining competitive industries and businesses to Augusta or the surrounding region.
- (vii) Describe compatibility with the local comprehensive plan, local infrastructure development plans, the capital improvements budget, or other government-spending plan.
- (viii) Provide relevant proposer cost, quality, methodology, and process for identifying the project and time frame data.

(f) **CONTACTS**

- (i) The names and addresses of the persons who may be contacted for further information concerning the unsolicited proposal.
- (ii) Identify the legal structure of the firm or consortium of firms making the proposal. Identify the organizational structure for the project, the management approach and how each partner and major subcontractor in the structure fits into the overall team.
- (iii) Describe the experience of the firm or consortium of firms making the proposal and the key principals involved in the proposed project including experience with projects of comparable size and complexity. Describe the length of time in business, business experience, public sector experience and other engagements of the firm or consortium of firms. Include the identity of any firms that will provide design, construction and completion guarantees and warranties, and a description of such guarantees and warranties.
- (iv) Provide the names, addresses, and telephone numbers of persons within the firm or consortium of firms who may be contacted for further information.
- (v) Provide a current or most recently audited financial statement of the firm or firms and each partner with an equity interest of twenty percent or greater for project proposals over \$20 Million.
- (vi) Identify any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to any State of Georgia and/or Augusta, Georgia conflict of interest laws.

Phase II

SEC. 1-10-68 PROCEDURES FOR THE FINANCIAL REVIEW AND ANALYSIS OF AN UNSOLICITED PROPOSAL.

- (1) Upon receipt of an unsolicited proposal, Augusta, Georgia shall:
 - (a) Send the proposer an acknowledgement of receipt of the unsolicited proposal and provide that Augusta, Georgia will conduct a review of that proposal and either (a) reject the unsolicited proposal or (b) accept the unsolicited proposal and seek competing bids for the proposed project as required pursuant to the Guidelines and the PPFIA;
 - (b) Augusta, Georgia utilizes a Six-phase process to evaluate unsolicited proposals. To assist in the evaluation process, two committees will be established. The first is an **Advisory Committee** consisting of not less than three members, all of whom shall be employees of Augusta, Georgia. (Designees of the Administrator, Procurement, Finance and Engineering Departments or designees from other departments depending on the scope of the proposal). To assist in the evaluation process, an **Evaluation Committee** will consist of the Advisory Committee and any designees consisting of not less than three members, other members can include individuals with diverse skill sets to adequately review the proposal; decide whether it will engage independent advisors, to assist (and not be a member of) the Evaluation Committee in its review of the unsolicited proposal, which may include an attorney, financial advisor, architectural and/or engineering consultant or other advisers or consultants
 - (c) Decide whether it will engage independent advisors, as provided in AUGUSTA, GA CODE Sec. 1-10-69 below, to assist (and not be a member of) the Evaluation Committee in its review of the unsolicited proposal, which may include an attorney, financial advisor, architectural and/or engineering consultant or other advisers or consultants; and
 - (d) Provide the proposer with the proposed Local Government fee estimate to be paid by the proposer to cover the costs of processing, reviewing and evaluating the unsolicited proposal, as calculated in AUGUSTA, GA CODE Sec. 1-10-70 below.

(2) The Evaluation Committee, together with any independent advisors, shall perform the following financial review and analysis of the unsolicited proposal:

- (a) A cost-benefit analysis;
- (b) Evaluation of the public need for or benefit derived from the qualifying project;
- (c) Evaluation of the estimated cost of the qualifying project for reasonableness in relation to similar facilities;
- (d) Evaluation of the source of funding for the project;
- (e) Consideration of plans to ensure timely development or operation;
- (f) Evaluation of risk sharing, including cost or completion guarantees, added value, or debt or equity investments by the private entity; and
- (g) Consideration of any increase in funding, dedicated revenue source, or other economic benefit that would not otherwise be available.

After reviewing the proposal, the Evaluation Committee shall make a recommendation to the governing body of the Augusta, Georgia (the Board of Commission) to reject or accept the unsolicited proposal.

NOTE: Discussions between local governments and the proposer about the need for infrastructure improvements shall not limit the ability of a local government to later determine to use standard procurement procedures to meet its infrastructure needs. The local government retains the right to reject any proposal at any time prior to the execution of an interim or comprehensive agreement.

SEC. 1-10-69 CRITERIA FOR IDENTIFYING AND APPOINTING INDEPENDENT ADVISORS.

Unsolicited proposals, which have technical, complex or specialized information, may require additional support from one or more third-party independent advisors to assist in their evaluation and review. Independent advisors may include attorneys, financial advisors, engineering consultants or other advisers or consultants as determined by Augusta, Georgia, in its sole discretion, to be reasonably required to review any unsolicited proposal. Independent advisors shall have no affiliation with the private entity submitting an unsolicited proposal.

SEC. 1-10-70 CRITERIA FOR DETERMINING FEES.

A private entity assumes all risk in submission of an unsolicited proposal, and Augusta, Georgia shall not incur any obligation to reimburse a private entity for any costs, damages, or loss of intellectual property incurred by a private entity in the creation, development, or submission of a proposal or unsolicited proposal for a qualifying project.

Augusta, Georgia shall charge and retain an initial proposal-processing fee equal to \$100 to be paid by the proposer prior to the review of an unsolicited proposal.

In addition, the Augusta, Georgia may charge and retain a reasonable fee to cover the costs of reviewing and evaluating an unsolicited proposal. If it is determined by Augusta, Georgia that one or more independent advisors shall be engaged to assist the Evaluation Committee in its review of the unsolicited proposal, as provided in Augusta, GA Code Sec. 1-10-69 above, fees of all such independent advisors shall be paid by the proposer. The estimated fees of Augusta, Georgia and such independent advisors shall be provided to the proposer for approval prior to the engagement of such advisors to review the proposal or the review and evaluation of an unsolicited proposal.

SEC. 1-10-71 PROCEDURES FOR DETERMINING RELEASE OF INFORMATION IN UNSOLICITED PROPOSAL.

Augusta, Georgia, in its sole discretion, may use any portion of an unsolicited proposal in preparing a request for proposal as described in AUGUSTA, GA CODE Sec. 1-10-72 below.

Phase III

SEC. 1-10-72 REQUEST FOR PROPOSALS.

Within sixty (60) days of receipt of a recommendation from the Evaluation Committee as provided in AUGUSTA, GA CODE Sec. 1-10-68 above, the Board of Commission shall decide whether to approve or reject such unsolicited proposal. If The Board of Commission approves the unsolicited proposal, it shall seek competing proposals for the qualifying project, by issuing a request for proposal due in not less than one hundred twenty (120) days.

The request for proposal shall include the criteria for selecting among competing proposals as provided in AUGUSTA, GA CODE Sec. 1-10-74 below.

During evaluation, the Local Government may seek written clarification from any proposer regarding the contents of the proposer's response. A request for written clarification may be made when a proposer's response contains conflicting information or is so ambiguous that it is possible for a reasonable person to attribute different meanings to the ambiguous portion of the proposer's response. A request for written clarification may not be used to negotiate (i.e., request the supplier to revise or improve the proposer's response). Written clarifications received from the supplier will become part of that proposer's response.

SEC. 1-10-73 PROCEDURES FOR POSTING AND PUBLISHING NOTICE OF THE OPPORTUNITY TO OFFER COMPETING PROPOSALS.

Notices for requests for proposals for qualifying projects shall be posted conspicuously in the Augusta, Georgia Procurement' Office and shall be advertised in the legal organ of the county and by electronic means on an Internet website of the Augusta, Georgia (www.augustaga.gov) or an Internet website identified by the governmental entity which may include the Georgia Procurement Registry as provided by OCGA §50-5-69. Such notices shall be posted by the Local Government in a consistent manner with other notices posted for public works bidding.

Notices for requests for proposals that are advertised in the legal organ shall be advertised a minimum of two times, with the first advertisement occurring at least ninety (90) days prior to the deadline for receipt of competing proposals. The second advertisement shall follow no earlier than six (6) weeks from the first advertisement.

Notices for requests for proposals that are advertised solely on the Internet shall be posted continuously at least ninety (90) days prior to the deadline for receipt of competing proposals. Inadvertent or unintentional loss of Internet service during the advertisement period shall not require the contract award, bid, or proposal opening to be delayed.

Phase IV

SEC. 1-10-74 PROCEDURES FOR PROCESSING, REVIEW AND CONSIDERATION OF COMPETING PROPOSALS.

After the deadline for the receipt of competing proposals, the Local Government shall reconvene the evaluation committee to review, evaluate and score the responses.

The criteria to be used in the evaluation of competing proposals for a qualifying project shall be determined by the evaluation committee of the Local Government prior to submitting a request for proposal for such qualifying project. The evaluation committee of Augusta, Georgia shall establish a scoring matrix for review of responses to a request for proposal. The scoring matrix can be weighted in any fair manner to adequately assess the critical elements of a proposal, with the most likely highest weighted categories being (a) project financing and (b) qualifications and experience.

There are several factors that Augusta, Georgia may use when evaluating and selecting an unsolicited proposal, including, but not limited to, the following:

- (1) **QUALIFICATIONS AND EXPERIENCE** – Factors to be considered to determine whether the proposer possesses the requisite qualifications and experience include:
 - (a) Experience with similar projects;
 - (b) Demonstration of ability to perform work;

- (c) Leadership structure;
 - (d) Project Manager's experience;
 - (e) Management approach
 - (f) Financial condition; and
 - (g) Project ownership.
- (2) **PROJECT CHARACTERISTICS** – Factors to be considered in determining the project characteristics include:
- (a) Project definition;
 - (b) Proposed project schedule;
 - (c) Operation of the project;
 - (d) Technology; technical feasibility;
 - (e) Conformity to laws, regulations, and standards;
 - (f) Environmental impacts;
 - (g) Condemnation impacts;
 - (h) State and local permits; and
 - (i) Maintenance of the project.
- (3) **PROJECT FINANCING** – Factors to be considered in determining whether the proposed project financing allows adequate access to the necessary capital to finance the project include:
- (a) Cost and cost benefit to Augusta, Georgia;
 - (b) Financing and the impact on the debt burden of Augusta, Georgia or appropriating body;
 - (c) Financial plan, including the degree to which the proposer has conducted due diligence investigation and analysis of the proposed financial plan and the results of any such inquiries or studies;
 - (d) Opportunity costs assessment;
 - (e) Estimated cost;
 - (f) Life-cycle cost analysis;
 - (g) The identity, credit history, past performance of any third party that will provide financing for the project and the nature and timing of their commitment, as applicable; and
 - (h) Such other items as Augusta, Georgia deems appropriate.

In the event that any project is financed through the issuance of obligations that are deemed tax-supported debt of Augusta, Georgia, or if financing such a project may impact Augusta, Georgia's debt rating or financial position, Augusta, Georgia may select its own finance team, source, and financing vehicle.

- (4) **PROJECT BENEFIT AND COMPATIBILITY** – Factors to be considered in determining the proposed project's compatibility with the appropriate local or regional comprehensive or development plans include:
- (a) Community benefits;
 - (b) Community support or opposition, or both;
 - (c) Public involvement strategy;

- (d) Compatibility with existing and planned facilities; and
 - (e) Compatibility with local, regional, and state economic development efforts.
- (5) OTHER FACTORS – Other factors that may be considered by Augusta, Georgia in the evaluation and selection of competing proposals include:
- (a) The proposed cost of the qualifying project;
 - (b) The general reputation, industry experience, and financial capacity of the private entity;
 - (c) The proposed design of the qualifying project;
 - (d) The eligibility of the project for accelerated documentation, review, and selection;
 - (e) Local citizen and government comments;
 - (f) Benefits to the public, including financial and nonfinancial;
 - (g) The private entity’s compliance with a local small business enterprise participation plan or good faith effort to comply with the goals of such plan;
 - (h) The private entity’s plans to employ local contractors and residents;
 - (i) The recommendation of a committee of representatives of members of the local government and the appropriating body which may be established to provide advisory oversight for the project; and
 - (j) Other criteria that the local government deems appropriate.

Sec. 1-10-75 DEFINITIONS:

For the purpose of Article 7, the following definitions shall apply. With the exception of specifically defined terms set forth herein, all words shall have their ordinary and usual meanings. In the event of conflict, the specific definition set out herein shall presumptively, but not conclusively prevail over the ordinary and usual meanings.

ADVISOR - The Unsolicited Proposals Advisory Committee may contract with external party on a range of issues including commercial, technical and other issues.

ADVISORY COMMITTEE – The Procurement Director shall select the members of the Advisory Committee consisting of not less than three members, all of whom shall be employees of Augusta, Georgia. Designees of the Administrator, Procurement, Finance, Engineering and Compliance Departments and/or designees from other departments may be included depending on the scope of the proposal. The Advisory Committee will assist in the evaluation process.

ASSESSMENT CRITERIA - Criteria upon which the Unsolicited Proposal will be assessed as determined by the Unsolicited Proposals Advisory Committee on a case-by-case basis.

COMPREHENSIVE AGREEMENT - The written agreement between the private entity and Augusta, Georgia required pursuant to the Public-Private Facilities and Infrastructure Act of 2015 (“PPFIA”).

DETAILED SUBMISSION - A more detailed submission following approval at the Concept Phase 1.

DEVELOP OR DEVELOPMENT - To plan, design, develop, finance, lease, acquire, install, construct, operate, maintain or expand.

ECONOMIC APPRAISAL - A systematic means of analyzing all the costs and benefits of various ways in which a project objective can be met. It shows:

- Whether the benefits of a project exceed its costs;
- Which option has the highest net benefit; and
- Which option is the most cost effective, where benefits are equivalent.

The preferred approach for a Government project for an economic appraisal is Cost-Benefit-Analysis (“CBA”) and whole of life cost estimates.

EVALUATION COMMITTEE - A committee of representatives established to oversee and assess an Unsolicited Proposal. Also referred to as Unsolicited Proposals Evaluation Committee in Phase 2.

FINANCIAL REVIEW – The Evaluation Committee, together with any independent advisors, shall perform a financial review and analysis of the unsolicited proposal as referred in Phase 2.

GOVERNMENT – Augusta, Georgia

INDEPENDENT ADVISOR - An individual with diverse skill sets to adequately review the proposal; decide whether it will engage independent advisors, to assist (and not be a member of) the Evaluation Committee in its review of the unsolicited proposal, which may include an attorney, financial advisor, architectural and/or engineering consultant or other advisers or consultants; and Provide the proposer with the proposed Local Government fee to cover the costs of processing, reviewing and evaluating the unsolicited proposal.

INTELLECTUAL PROPERTY (“IP”) - Inventions, original designs and practical applications of good ideas protected by law through copyright, patents, registered designs, circuit layout rights and trademarks, also trade secrets, proprietary know-how and other confidential information protected against unlawful disclosure by common law and through additional contractual obligations such as Confidential Agreements.

INTERIM AGREEMENT - An agreement between a private entity and a responsible public entity that provides for phasing of the development or operation, or both, of a qualifying project. Such phases may include, but are not limited to, design, planning, engineering, environmental analysis and mitigation, financial and revenue analysis, or any other phase of the project that constitutes activity on any part of the qualifying project.

LETTER OF INTEREST (“LOI”) - Cover letter attached to the initial submission made by the Proposer to initiate the Phased Process for Unsolicited Proposals.

LOCAL GOVERNMENT - Any county, municipality, consolidated government, or board of education. For purposes of this Article, Augusta, Georgia Consolidated Government.

PHASE PROCESS - Augusta, Georgia’s six-phase process of validating, evaluating and awarding projects that are initiated by Unsolicited Proposals.

PROPOSER - Any person or organization that submits the Unsolicited Proposal except for Augusta, Georgia's agencies and departments.

PRIVATE ENTITY - Any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other business entity.

QUALIFYING PROJECT - Any project selected in response to a request for a local government or submitted by a private entity as an unsolicited proposal in accordance with the PPFIA, subsequently reviewed, and approved by a local government, that has a public purpose or public need, as determined by the local government. A "qualifying project" shall not include and shall have no application to any project involving:

- (1) The generation of electric energy for sale pursuant to Chapter 3 of Title 46 of the Official Code of Georgia Annotated;
- (2) Communications services pursuant to Articles 4 and 7 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated;
- (3) Cable and video services pursuant to Chapter 76 of title 36 of the Official Code of Georgia Annotated; or
- (4) Water reservoir projects as defined in paragraph (10) of OCGA §12-5-471, which shall be governed by Article 4 of Chapter 91 of Title 36 of the Official Code of Georgia Annotated.

REVENUE - All revenues, income, earnings, user fees, lease payments, or other service payments arising out of or in connection with supporting the development or operation of a qualifying project.

UNSOLICITED PROPOSAL - A written proposal for a qualifying project that is received by a local government and is not in response to any request for proposal for a qualifying project issued by a local government.

STATE - The State of Georgia.

TRANSACTION PHASE - Transaction Phase may involve, subject to the delivery model, procurement phase followed by contract negotiations and execution. Note, public, community and stakeholder consultations may occur during the Transaction Phase.

UNSOLICITED PROPOSAL - A written proposal for a qualifying project that is received by a local government and is not in response to any request for proposal for a qualifying project issued by a local government.

Phase V

INTERIM AND COMPREHENSIVE AGREEMENTS.

Prior to developing or operating the qualifying project, the selected private entity shall enter into a comprehensive agreement with the local government. Prior to entering a comprehensive agreement, an interim agreement may be entered into that permits a private entity to perform compensable activities related to the project. The local government may designate a working group to be responsible for negotiating any interim or comprehensive agreement. Any interim or comprehensive agreement shall define the rights and obligations of the local government and the selected proposer with regard to the project.

(1) **Interim Agreement Terms.**

The scope of an interim agreement may include but is not limited to:

- (a) Project planning and development;
- (b) Design and engineering;
- (c) Environmental analysis and mitigation;
- (d) Survey;
- (e) Ascertaining the availability of financing for the proposed facility through financial and revenue analysis;
- (f) Establishing a process and timing of the negotiation of the comprehensive agreement; and
- (g) Any other provisions related to any aspect of the development or operation of a qualifying project that the parties may deem appropriate prior to the execution of a comprehensive agreement.

Phase VI

(2) Comprehensive Agreement Terms.

The scope of the comprehensive agreement shall include but not be limited to:

- (a) A thorough description of the duties of each party in the completion and operation of the qualifying project;
- (b) Dates and schedules for the completion of the qualifying project;
- (c) Any user fees, lease payments, or service payments as may be established by agreement of the parties, as well as any process for changing such fees or payments throughout the term of the agreement, and a copy of any service contract;
- (d) Any reimbursements to be paid to the local government for services provided by the local government;
- (e) A process for the review of plans and specifications for the qualifying project by the local government and approval by the local government if the plans and specifications conform to reasonable standards acceptable to the local government;
- (f) A process for the periodic and final inspection of the qualifying project by the local government to ensure that the private entity's activities are in accordance with the provisions of the comprehensive agreement;
- (g) Delivery of performance and payment bonds in the amounts required in AUGUSTA, GA Code Section(s) 36-91-70 and 36-91-90 and in a form acceptable to the local government for those components of the qualifying project that involve construction, and surety bonds, letters of credit, or other forms of security acceptable to the local government for other phases and components of the development of the qualifying project;
- (h) Submission of a policy or policies of public liability insurance, copies of which shall be filed with the local government accompanied by proofs of coverage, or self-insurance, each in form and amount satisfactory to the local government and reasonably sufficient to ensure coverage of tort liability to the public and employees and to enable the continued operation of the qualifying project;
- (i) A process for monitoring the practices of the private entity by the local government to ensure that the qualifying project is properly maintained;
- (j) The filing of appropriate financial statements to the local government on a periodic basis; and
- (k) Provisions governing the rights and responsibilities of the local government and the private entity in the event that the comprehensive agreement is terminated or there is a material default by the private entity, including conditions governing assumption of the duties and responsibilities of the private entity by the local government and the transfer or purchase of property or other interests of the private entity by the local government, including provisions compliant with state constitutional limitations on public debt by the local government. Such policies and procedures shall be consistent with OCGA § 36-91-116.

The comprehensive agreement may include such other terms and conditions that the local government determines will serve the public purpose of the PPFIA and to which the private entity and the local government mutually agree, including, without limitation, provisions regarding unavoidable delays and provisions where the authority and duties of the private entity under this article shall cease and the qualifying project is dedicated to the local government for public use.

Any changes in the terms of the comprehensive agreement, as may be agreed upon by the parties from time to time, shall be added to the comprehensive agreement by written amendment.

The comprehensive agreement may provide for the development of phases or segments of the qualifying project.

APPENDICES

The following appendices contained in this document are for reference only. The material is provided without warranty or liability of any kind to Augusta, Georgia. Every effort has been made to make the documentation as complete and accurate as possible without error.

Every proposer will follow the guidelines stated in this manual.

Appendix A: Fee Schedule

Provide the proposer with the proposed Local Government fee to cover the costs of processing, reviewing and evaluating the unsolicited proposal, as required in AUGUSTA, GA CODE Sec. 1-10-70.

Unsolicited Proposals will be subject to two types of review fee: a) the initial proposal processing fee; and, b) detailed evaluation fee. Both fees must be paid by cashier's check made payable to Augusta, Georgia.

The initial proposal-processing fee is \$100.00 and a cashier's check in this amount must accompany all Unsolicited Proposals. This fee is charged to offset the cost of the initial proposal-processing review, and is non-refundable regardless of whether or not the proposal is determined to merit further consideration. This amount is subject to annual adjustment to reflect inflation or in response to market conditions. The current fee will be updated as necessary and available on Augusta, Georgia's website.

The detailed evaluation fee applies only to proposals that are determined to merit further consideration. At such time that Augusta, Georgia reaches such a determination, the proposer will be notified, and the amount of the detailed evaluation fee identified. In response to this notification, the proposer may pay the detailed evaluation fee to proceed with the procurement process, or withdraw its proposal from further consideration without incurring any additional cost or obligation.

The amount of the detailed evaluation fee will vary with the estimated cost of the proposed project, product, or service, as described in the table below, to reflect the degree of complexity of the proposed project and the corresponding level of effort associated with the detailed evaluation.

ESTIMATED COST	DETAILED EVALUATION FEE
< Million	\$5 000
\$1 Million - \$20 Million	\$10 000
\$20 Million - \$50 Million	\$20,000
\$50 Million - \$100 Million	\$35 000
\$100 Million - \$500 Million	\$60 000
\$250 Million - \$500 Million	\$85 000
\$500 Million - \$1 Billion	\$110,000
> Billion	TBD

These amounts are subject to annual adjustment to reflect inflation or in response to market conditions. The current fees will be updated as necessary and available on Augusta, Georgia's website.

For any unsolicited proposal of the development of a project received by Augusta, Georgia, Augusta, Georgia may charge and retain a reasonable fee to cover the costs of processing, reviewing, and evaluating the unsolicited proposal, including, without limitation, reasonable attorney's fees and fees for financial, technical, and other necessary advisers or consultants.

The local government may reject any proposal or unsolicited proposal at any time and shall not be required to provide a reason for its denial. If the local government rejects a proposal or unsolicited proposal submitted by a private entity, it shall have no obligation to return the proposal, unsolicited proposal, or any related materials following such rejection.

A private entity assumes all risk in submission of a proposal or unsolicited proposal and Augusta, Georgia shall not incur any obligation to reimburse a private entity for any costs, damages, or loss of intellectual property incurred by a private entity in the creation, development, or submission of a proposal or unsolicited proposal for a qualifying project.

Appendix B: References

SAMPLE REFERENCE SHEET

Your Name
Street address
City, state, and zip
Telephone Number(s)
e-mail address

REFERENCES

Name of reference
Title at his or her organization
Organization Name
Street address
City, state, and zip
Work Phone
Home Phone (if it's a personal reference, rather than a professional reference)
Relationship to you (if it's not clear from your resume and cover letter)
Skills/projects of your that this reference might discuss (optional)

Name of reference
Title at his or her organization
Organization Name
Street address
City, state, and zip
Work Phone
Home Phone (if it's a personal reference, rather than a professional reference)
Relationship to you (if it's not clear from your resume and cover letter)
Skills/projects of your that this reference might discuss (optional)

Name of reference
Title at his or her organization
Organization Name
Street address
City, state, and zip
Work Phone
Home Phone (if it's a personal reference, rather than a professional reference)
Relationship to you (if it's not clear from your resume and cover letter)
Skills/projects of your that this reference might discuss (optional)

Name of reference
Title at his or her organization
Organization Name
Street address
City, state, and zip
Work Phone
Home Phone (if it's a personal reference, rather than a professional reference)
Relationship to you (if it's not clear from your resume and cover letter)
Skills/projects of your that this reference might discuss (optional)

Appendix C: Letter of Interest Template

[Date]

Director of Procurement
Unsolicited Proposals
535 Telfair Street – Suite 605
Augusta, Georgia 30901

**RE: UNSOLICITED PROPOSAL – LETTER OF INTEREST –
PROJECT NAME:**

Dear Sir/Madam,

[Letter to contain brief detail of the following:

- Individual/organization introduction;
- Proposal idea/concept;
- Total estimated investment for the project;
- Value proposition to Augusta, Georgia ; and
- Contact details.]

Sincerely,

[Signature]

[Name & Title]

[Organization]

Appendix D: Declaration to Abide by Process

Date	
Name	
Organization	
To	
In relation to the	

Declaration

I, _____, [insert full name]

 [Insert organization and address] agree and acknowledge that I abide by the process outlined in this document including the following:

- No intellectual property transfer to Augusta, Georgia at the Concept Submission, any material presented will be at my discretion;
- No approaches will be made to the Board of Commission or other officers within Augusta, Georgia prior, during and after the Phased Process relating to an Unsolicited Proposal; and
- In the event of a rejected proposal, no further approaches are made to Augusta, Georgia regarding the Unsolicited Proposal until at least 18 months have transpired since the Concept Submission.

Executed as a Deed

Signed, seal and delivered

Signature of Declarant	
Name of Declarant	
Signature of Witness	
Name of Witness	

Appendix E: Unsolicited Proposals Briefing Note Template

[Date]

[Ref]

[Unsolicited Proposal Title]

[Unsolicited Proposal
Summary]

Decision Matrix

Criteria	No	Yes
1. Does the proposal directly conflict with a stated Government policy position?		
2. Is there an existing Government process/procedure in place to manage this proposal?		
3. Is the proposal unique in its value offering to justify a dedicated process?		
4. Does the proposal inhibit or stifle competition in Augusta, Georgia Procurement Code?		
5. Does the proposal require a change to or impact the Government in a way that can be considered too complex or inhibits Government's ability to complete it in a timely manner?		
6. Has the proposal been rejected before by Government? Has the proposal or context materially changed?		

[Reason for acceptance] / [Reason for rejection]

[Any recommendation for the Unsolicited Proposals Evaluation Committee to consider, e.g.:

- Additional attendance by other Directors whose directorates are materially impacted by the unsolicited proposal; and/or
- Request input/advice from other Directors whose directorates are broadly impacted by the unsolicited proposal; and/or
- Request input/advice from Commission Committee for Unsolicited Proposals that have a whole-of- government impact; and/or
- Any clarification or information requirements to be sought from the Proponent.]
[Note: this appendix is for content guidance only]

Appendix F: Strategic Review Scoring Sheet Template

At the Unsolicited Proposals Evaluation the Committee’s discretion, they may utilize scoring sheets as part of the assessment of whether a Concept Submission should proceed to Detailed Submission (Phase 2).

A holistic approach should be adopted when scoring a Concept Submission and consider, amongst other things:

- The priorities of Augusta, Georgia (Government);
- Consideration of the submission’s value proposition and merit to the Government; and
- Whether certain criteria outweigh others in the context of the proposal being reviewed. A scoring sheet template has been provided to assist with a strategic Multi Criteria Assessment.

Scoring Criteria	1	2	3	4	5
1. Does the proposal strategically align with current Government policy and objectives? (1 = Weak; 5 = Strong)					
2. Does the Committee believe that the proposal will deliver net economic benefits to the Government? (i.e. will it generate jobs, business activity, stimulate urban renewal, etc. that would otherwise be foregone) (1 = No benefits; 5 = High benefits)					
3. Does the Committee believe that the proposal will likely have a net financial impact on Government? (I.e. will Government have to incur expenditure?) (1 = High impact; 5 = No impact)					
4. Does the proposal have the ability to generate additional cash flow revenues for the Government? (1 = No revenues; 5 = Substantial revenues)					
5. Does the Committee believe that the proposal will likely have an impact on the community? (1 = Negative impact; 5 = Positive impact)					
6. Does the Committee believe that the proposal will likely have an impact on the environment? (1 = Negative impact; 5 = Positive impact)					
7. Are the risks associated with the proposal acceptable to Government? (1 = Not acceptable; 5 = Acceptable)					
8. Is the proposal achievable in terms of delivery with respect to Government changes required and timeliness? (1 = Not achievable; 5 = Achievable)					
9. Intuitively, does the Committee believe that the proposal may be viable but lack					

Scoring Criteria	1	2	3	4	5
adequate information to make a decision? (1 = Not viable, no further info required; 3 = Possibly viable, more info required; 5 = Viable, no further info required)					
10. Does this proposal represent a value proposition that the Government should consider? (1 = No; 5 = Yes)					

[Reason for acceptance] / [Reason for rejection]

[Any recommendation for the Unsolicited Proposals Evaluation Committee to consider, e.g.:

- Any clarification or information requirements to be sought from the Proponent.]

Appendix G: Advertisement to Public to receive Unsolicited Proposals Template

Time Period for Receiving Unsolicited Proposals and Format for Submissions.

Time Period. Unsolicited proposals for qualifying projects will be received by the Augusta, Georgia. Proposals will be received by 3:00 PM Monday thru Friday beginning the first business day of JANUARY and ending on the last business day of MARCH of each year. Such unsolicited proposals shall be in writing and shall be delivered to:

Gerri A. Sams, Director
Augusta Procurement Department
UNSOLICITED PROPOSAL
535 Telfair Street - Room 605
Augusta, Georgia 30901

Please submit six (6) copies and one unbound copy of the proposal.

All questions must be submitted in writing by fax to 706 821-2811 or by email to unsolicitedproposal@augustaga.gov to the office of the Procurement Department. No Unsolicited Proposals will be accepted by fax, all must be received by mail or hand delivered.

Format for Submissions. Unsolicited proposals shall contain, at a minimum, the following information: (a) a project description, (b) a project feasibility statement, (c) a proposed project schedule, (d) a project financing plan, (e) a business case statement that shall include a basic description of any direct and indirect benefits that the private entity can provide in delivering the project, including relevant cost, quality, methodology, and process for identifying the project and time frame data, (f) a description of any anticipated public support or opposition, (g) qualifications and experience (h) names and addresses of persons who may be contact and (g) any additional information as Augusta, Georgia (local government) may reasonably request to comply with the requirements of the Public-Private Facilities and Infrastructure Act of 2015 (the "PPFIA"). Proposals should be prepared simply and economically, providing a concise description of the proposer's capabilities to complete the proposed qualifying project and the benefits to be derived from the project by Augusta, Georgia. Such proposals may also include any additional pertinent information as determined by the proposer.

Only proposals complying with the requirements of these guidelines and the Public-Private Facilities and Infrastructure Act of 2015 (the "PPFIA") that contain sufficient information for a meaningful evaluation and that are provided in an appropriate format should be considered by the local Government for further review. If any information necessary to make a meaningful evaluation is missing, the Local Government may request such information from the proposer. Unsolicited proposals maybe subject to the Open Records Act.

Note: "Unsolicited Proposal" means a written proposal for a qualifying project that is received by the local Government and is not in response to any request for proposal for a qualifying project issued by the local Government.

The format and information to be included in any unsolicited proposal can be found:

<http://www.augustaga.gov/unsolicitedproposal>

Publish:

Legal Organ: Augusta Chronicle 9/21, 28; 10/5, 12, 19 and 26, 2017

Metro Courier: 9/27

Electronic Means: Onvia (Demand Star) 9/21 thru opening

Internet Website: ARCBid www.augustaga.gov

Georgia Procurement Registry: 9/21 thru opening

cc: Commissioners
Janice Allen Jackson, Administrator
Chester Brazzell,
Deputy Administrator

Appendix H

Criteria for Evaluation Request for Proposals Template

PHASE 1

RFP - Evaluation/Scoring Guidelines

The evaluator/evaluation committee will consider the following guidelines in awarding points to the evaluation criteria and the evaluations of the referenced questions.

Superior: 675 – 750 Points exceptional – completely and comprehensively meets all of the requirements of the RFP; may provide additional information or cover areas not originally addressed within the RFP and/or include additional information and recommendations that would prove both valuable and beneficial to Augusta, Georgia.

Good Response: 600 – 674 Points clearly meets all the requirements of the RFP and demonstrates in an unambiguous and concise manner a thorough knowledge and understanding of the category or categories with no deficiencies noted.

Fair Response: 525 – 599 Points minimally meets most requirements of the RFP. Respondent/Offeror(s) demonstrated some ability to comply with guidelines and requirements of the category or categories, but knowledge of the subject matter is limited.

Failed Response: 0 – 524 Points does not meet the requirements of the RFP. Respondent/Offeror(s) has not demonstrated sufficient knowledge of the subject matter.

Note: Respondent/Offeror(s) receiving 600 or more points will be invited to do presentations to provide additional information if deemed necessary.

PHASE 2

Selection. After the deadline for the receipt of competing proposals, the Local Government shall reconvene the evaluation committee to review, evaluate and score the responses.

The criteria to be used in the evaluation of competing proposals for a qualifying project shall be determined by the evaluation committee of Augusta, Georgia prior to submitting a request for proposal for such qualifying project. The evaluation committee of the Augusta, Georgia shall establish a scoring matrix for review of responses to a request for proposal. The scoring matrix can be weighted in any fair manner to adequately assess the critical elements of a proposal, with the most likely highest weighted categories being (a) project financing and (b) qualifications and experience.

There are several factors that Augusta, Georgia may use when evaluating and selecting an unsolicited proposal, including, but not limited to, the following:

- (1) Project Financing
- (2) Qualifications and Experience
- (3) Project Characteristics
- (4) Project Benefit and Compatibility
- (5) Other Factors
- (6) References

Selection.

The evaluation committee and advisor, in consultation and upon the recommendation of the head of the using agency, shall select from among the offerors no less than three (3) offerors (the "short-listed offerors") deemed to be the most responsible and responsive; provided, however, that if three (3) or less offerors respond to the solicitation, this requirement will not apply. The selection of the short-listed offerors shall be made in order of preference. From the date proposals are received by Procurement Director through the date the contract is awarded, no offeror may make substitutions, deletions, additions or other changes in the configuration or structure of the offeror's teams or members of offeror's teams prior to award. The selection criteria shall include, but not be limited to, those contained in Senate Bill 59 - Partnership for Public Facilities and Infrastructure Act

Price information shall be separated from the proposal in a sealed envelope and opened only after the proposals have been reviewed and ranked. The names of the respondents will be identified at the proposal opening; however, no proposal will be handled to permit disclosure of the detailed contents of the responses until after award of contract. A record of all responses shall be prepared and maintained for the files and audit purposes.

Cumulative Scores will include the total from Phase 1 and Phase 2. It is the intent of the Owner to conduct a fair and comprehensive evaluation of all proposals received. **The contract for this project will be awarded to the proposer who submitted a proposal that is most advantageous to the Owner.**

Appendix H Sample Evaluation Form

Unsolicited Proposal Number: UP#

Date Received:

Project Name:

Date of acknowledgement of receipt of the unsolicited proposal:

Date accept the unsolicited proposal:

Date reject the unsolicited proposal:

Date of Vendor's notification of decision:

	Yes	No
Fee Enclosed: One Hundred Dollar Cashier Check payable to: Augusta, Georgia		
Package submitted by the deadline		

Advisory Committee Review

Phase I Review

Submittal and Quality of RFP MUST PASS A thru I FOR CONTINUED CONSIDERATION

	Pass	Fail
a) Project description,		
b) Project feasibility statement		
c) Proposed project schedule,		
d) Project financing plan		
e) Business case statement that shall include a basic description of any direct and indirect benefits that the private entity can provide in delivering the project, including relevant cost, quality, methodology, and process for identifying the project and time frame data,		
f) Description of any anticipated public support or opposition		
g)Qualifications and experience		
h) Names and addresses of persons who may be contact(See Appendix B)		
i) Any additional information pertinent information as determined by the proposer or as requested by Augusta, Georgia (local government) may reasonably request to comply with the requirements of the Public-Private Facilities and Infrastructure Act of 2015 (the "PPFIA").		

Committee Members:

Independent Advisor(s)

Provide the proposer with the proposed Local Government fee to cover the costs of processing, reviewing and evaluating the unsolicited proposal. **The Process ends until the fee is received.**

FEE AMOUNT \$

(see Appendix A)

Appendix H - Page 2 of 3

Sample Evaluation Form

Unsolicited Proposal Number: UP#

Project Name:

Date of Evaluation:

Recommendation Date to Committee:

The Evaluation Committee and Independent Advisors shall perform the following financial review and analysis of the unsolicited proposal:

(a) A cost-benefit analysis;		
(b) Evaluation of the public need for or benefit derived from the qualifying project;		
(c) Evaluation of the estimated cost of the qualifying project for reasonableness in relation to similar facilities;		
(d) Evaluation of the source of funding for the project;		
(e) Consideration of plans to ensure timely development or operation;		
(f) Evaluation of risk sharing, including cost or completion guarantees, added value, or debt or equity investments by the private entity; and		
(g) Consideration of any increase in funding, dedicated revenue source, or other economic benefit that would not otherwise be available.		

Committee Members:

Independent Advisor(s)

Comments:

The Advisor(s) representing the Evaluation Committee (EC) shall make a recommendation to the governing body of Augusta, Georgia to reject or accept the unsolicited proposal. Any Advisor(s) and those members of the EC should be present to address any questions.

Appendix H - Page 3 of 3
 Sample Evaluation Form
 Unsolicited Proposal Number: UP#
 Project Name:
 Date of Evaluation:

Recommendation Date to Commission: Approved or Rejected (Circle One)
Posting and Publishing Notice of the Opportunity to Offer Competing Proposals (if approved)

REQUEST FOR PROPOSAL NO:
 (add RFP in front of the UP# - RFPUP17-001)

Advertisement

Advertised a minimum of two times, with the first advertisement occurring at least ninety days prior to the deadline for receipt of competing proposals. The second advertisement shall follow no earlier than six weeks from the first advertisement.

Date: First Advertisement: _____ Second Advertisement: _____
Procedures for Processing, Review and Consideration of Competing Proposals (see Appendix I)

(a) Project financing	300	
(b) Qualifications and experience	160	
(c) Project Characteristics	100	
(d) Project Benefit and Compatibility	90	
(e) Other Factors	60	
(f) References	40	
Total Score	750	

Comments

Name of Evaluator:

Date:

Appendix I

Submission Checklist

All unsolicited proposals should cover the points discussed in this guide. All unsolicited proposals should cover the points discussed in this guide. *Please submit six (6) copies one bound and one unbound copy of the proposal.* Unsolicited proposals should be signed by an authorized official of the proposing organization or by the proposer if submitted by an individual.

Elaborate proposals or presentations are not desired. Each applicant should review the submission to ensure that all data necessary for critical evaluation is included initially. Correspondence generated by omission of essential items delays processing of proposals. The following is a list of essential items that an unsolicited proposal should contain.

The checklist below provides guidance for the issues Proposers can cover when submitting an Unsolicited Proposal.

Proposal will be accepted only at the time and place listed below:

Time Period. Unsolicited proposals for qualifying projects will be received by the Augusta, Georgia. Proposals will be received by 3:00 PM Monday thru Friday beginning on the first business day JANUARY and ending on the last business day of MARCH of each year. Such unsolicited proposals shall be in writing and shall be delivered to:

Geri A. Sams, Director
Augusta Procurement Department
UNSOLICITED PROPOSAL
535 Telfair Street - Room 605
Augusta, Georgia 30901

General Requirements

A private entity assumes all risk in submission of an unsolicited proposal, and a Local Government shall not incur any obligation to reimburse a private entity for any costs, damages, or loss of intellectual property incurred by a private entity in the creation, development, or submission of a proposal or unsolicited proposal for a qualifying project.

Private entities are solely responsible for all costs and expenses of any nature associated with preparing or submitting an Unsolicited Proposal, including attending preliminary meetings and providing supplemental information. Augusta, Georgia assumes no obligations, responsibilities, and/or liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties preparing or submitting an Unsolicited Proposal. Under no circumstances will Augusta, Georgia or any of their agents, representatives, consultants, directors, officers or employees be liable for, or otherwise obligated to reimburse, the costs incurred by a private entities, whether or not selected for negotiations, in developing, preparing and submitting its Proposal or negotiating an Agreement. In no event shall Augusta, Georgia be bound by, or liable for, any obligations with respect to such proposals until such time (if at all) as an Agreement, in form and substance satisfactory to Augusta, Georgia, has been authorized and executed by Augusta, Georgia and, then, only to the extent set forth therein.

Augusta, Georgia shall charge and retain an *initial proposal processing* fee equal to \$100 to be paid by the proposer prior to the review of an unsolicited proposal. Please submit in a separate envelope with the submittal

a cashier check made payable to: Augusta, Georgia Consolidated Government. Marked: Fee for Unsolicited Proposal Review.

Concept Submission Requirements

It is recommended that the submission be kept concise and brief in the form of a proposal overview to allow the Advisory and Evaluation Committees to respond in a timely manner, and stay within a 45 minute presentation (Optional) should it progress pass the filtering process.

The following document limits apply to the Concept Submission:

- ✓ Word Processing (e.g. MS Word) – up to 40 pages (portrait)
- ✓ Presentation Processing (e.g. MS PowerPoint) – up to 30 slides (landscape)
- ✓ No less than 10 point font
- ✓ Normal document margins

Format for Submissions. Initial Unsolicited proposals shall contain, at a minimum, the following information:

Cover Page

Basic Information

1. Name and address of submitter.
2. Proposal submission date.
3. Type of business (indicate whether profit, nonprofit, educational, small business, woman- owned, socially and economically disadvantaged, or other).
4. Proposed starting date and estimated period of performance.
5. Period for which proposal is valid (minimum of six months from date of submission).
6. Names and telephone numbers of the proposer's primary business and technical personnel whom Augusta, Georgia may contact for evaluation or negotiation purposes.
7. Signature of person authorized to contractually represent the individual or organization.
8. List of other Federal, State, or local government agencies or private organizations to which the proposal has been submitted and/or those funding the proposed effort.
9. Statement that the proposal may, or may not, be subjected to external review. (See "Georgia Open Record Code")
10. Statement that the proposal does/does not contain proprietary information.

All Unsolicited proposals must be tabbed alphabetically as listed below (see Phase I and II):

Tab.

Signed Declaration to Abide by Process (Appendix D)

- (a) Project description
- (b) Project feasibility statement
- (c) Proposed project schedule
- (d) Project financing plan
- (e) Business case statement that shall include a basic description of any direct and indirect benefits that the private entity can provide in delivering the project, including relevant cost, quality, methodology, and process for identifying the project and time frame data
- (f) Description of any anticipated public support or opposition
- (g) Qualifications and experience
- (h) Names and addresses of persons who may be contact and
- (g) Any additional information as Augusta, Georgia may reasonably request to comply with the requirements of the PPFIA.

Proposals should be prepared simply and economically, providing a concise description of the proposer's capabilities to complete the proposed qualifying project and the benefits to be

derived from the project by Augusta, Georgia. Such proposals may also include any additional pertinent information as determined by the proposer.

In addition to the general requirements as stated above, the following list provides additional information requirements for the Detailed Submission (Phase 2).

It is recommended that the Detailed Submission be in the form of a fully developed business case. It should provide a comprehensive and compelling case to support the Unsolicited Proposal, and where possible, provide quantified supporting evidence to allow for a robust evaluation by the Evaluation Committee against the guiding principles and objectives.

Request for Proposal (RFP) Detailed Submission Requirements

In addition to the general requirements, the list below provides additional information requirements for the Concept Submission (Request for Proposal):

Letter of Interest (**Appendix C**)

Signed Declaration to Abide by Process (**Appendix D**)

(a) **Project Financing**

- Cost and cost benefit to the local government;
- Financing and the impact on the debt burden of the local government or appropriating body;
- Financial plan, including the degree to which the proposer has conducted due diligence investigation and analysis of the proposed financial plan and the results of any such inquiries or studies;
- Opportunity costs assessment;
- Estimated cost;
- Life-cycle cost analysis;
- The identity, credit history, past performance of any third party that will provide financing for the project and the nature and timing of their commitment, as applicable; and
- Such other items as the local government deems appropriate.

(b) **Qualifications and Experience**

- Experience with similar projects;
- Demonstration of ability to perform work;
- Leadership structure;
- Project manager's experience;
- Management approach;
- Financial condition; and
- Project ownership.

(c) **Project Characteristics**

- Project definition;
- Proposed project schedule;
- Operation of the project;
- Technology; technical feasibility;
- Conformity to laws, regulations, and standards;
- Environmental impacts;
- Condemnation impacts;
- State and local permits; and
- Maintenance of the project.

(d) **Project Benefit and Compatibility**

- Community benefits;
- Community support or opposition, or both;
- Public involvement strategy;
- Compatibility with existing and planned facilities; and

- Compatibility with local, regional, and state economic development efforts.
- (e) **Other Factors**
 - The proposed cost of the qualifying project;
 - The general reputation, industry experience, and financial capacity of the private entity;
 - The proposed design of the qualifying project;
 - The eligibility of the project for accelerated documentation, review, and selection;
 - Local citizen and government comments;
 - Benefits to the public, including financial and nonfinancial;
 - The private entity's compliance with a minority business enterprise participation plan or good faith effort to comply with the goals of such plan;
 - The private entity's plans to employ local contractors and residents;
 - The recommendation of a committee of representatives of members of the local government and the appropriating body which may be established to provide advisory oversight for the project; and
 - Other criteria that the local government deems appropriate
- (f) **References**
- (g) **Case for change**
 - What problem and/or opportunity is the proposal trying to address?
 - What evidence is there to support this?
 - Why does this need to be addressed now?
- (h) **Strategic alignment**
 - How does the proposal meet the principles and objectives outlined in this policy document?
- (i) **Risks**
 - What are the key risks of the proposal?
 - How can they be managed within reason?
- (j) **Objectives of the proposal**
- (k) **Unique elements of the proposal**
 - Intellectual property or genuinely innovative ideas
 - Ownership of real property
 - Ownership of software or technology offering a unique benefits
 - Unique financial arrangement
 - Unique ability to deliver a strategic outcome
 - Other demonstrably unique elements



Guidelines for Unsolicited Proposals

APPENDIX J

PARTNERSHIP FOR PUBLIC FACILITIES AND INFRASTRUCTURE ACT

Senate Bill 59

By: Senators Hill of the 6th, Mullis of the 53rd, Gooch of the 51st, Beach of the 21st and Hill of the 32nd

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 and Title 50 of the Official Code of Georgia Annotated, relating to state government, so as
3 to provide for definitions; to provide guidelines for projects; to create the Partnership for
4 Public Facilities and Infrastructure Act Guidelines Committee and to provide for its
5 membership, terms, allowances, duties, and support; to provide for the manner by which
6 projects may be initiated; to provide for the approval process for projects; to provide for
7 evaluation criteria and review; to provide for agreements; to provide for default and
8 remedies; to provide for financing and grants; to provide for service contracts; to provide for
9 the dedication of certain property interests; to provide for sovereign immunity; to provide for
10 police powers; to provide for application of open meetings and open records laws; to provide
11 a short title; to provide for related matters; to provide an effective date; to repeal conflicting
12 laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 SECTION 1.

15 This Act shall be known and may be cited as the "Partnership for Public Facilities and

16 Infrastructure Act."

17 **SECTION 2.**

18 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
19 by adding a new article to Chapter 91, relating to public works bidding, to read as follows:

20 **"ARTICLE 5**

21 36-91-110.

22 As used in this article, the term:

23 (1) 'Comprehensive agreement' means the written agreement between the private entity
24 and the local government required by Code Section 36-91-115.

25 (2) 'Develop' or 'development' means to plan, design, develop, finance, lease, acquire,
26 install, construct, operate, maintain, or expand.

27 (3) 'Local authority' means any local authority created pursuant to a local or general Act
28 of the General Assembly, including a joint public instrumentality.

29 (4) 'Local government' means any county, municipality, consolidated government, or
30 board of education.

31 (5) 'Private entity' means any natural person, corporation, general partnership, limited
32 liability company, limited partnership, joint venture, business trust, public benefit
33 corporation, nonprofit entity, or other business entity.

34 (6) 'Qualifying project' means any project selected in response to a request from a local
35 government or submitted by a private entity as an unsolicited proposal in accordance with
36 this article and subsequently reviewed and approved by a local government, within its
37 sole discretion, as meeting a public purpose or public need. This term shall not include
38 and shall have no application to any project involving:

39 (A) The generation of electric energy for sale pursuant to Chapter 3 of Title 46;

40 (B) Communications services pursuant to Articles 4 and 7 of Chapter 5 of Title 46;

41 (C) Cable and video services pursuant to Chapter 76 of this title; or
42 (D) Water reservoir projects as defined in paragraph (10) of Code Section 12-5-471,
43 which shall be governed by Article 4 of this chapter.

44 (7) 'Revenue' means all revenues, income, earnings, user fees, lease payments, or other
45 service payments arising out of or in connection with supporting the development or
46 operation of a qualifying project.

47 (8) 'Unsolicited proposal' means a written proposal for a qualifying project that is
48 received by a local government and is not in response to any request for proposal for a
49 qualifying project issued by a local government.

50 36-91-111.

51 (a) The Partnership for Public Facilities and Infrastructure Act Guidelines Committee is
52 established to prepare model guidelines for local governments in the implementation of this
53 article.

54 (b) The committee shall be composed of ten persons. Except for the local government
55 officials or staff appointed to the committee, each committee member shall have subject
56 matter expertise in architecture, construction management, engineering, finance, or real
57 estate development. These appointments shall be made as follows:

58 (1) The following members shall be appointed by the Governor:

59 (A) One member or employee of a county governing authority;

60 (B) One member or employee of a municipal governing authority;

61 (C) One member or employee of a local board of education; and

62 (D) One licensed member of the State Bar of Georgia with expertise in representing
63 local government in public works construction.

64 (2) The following members shall be appointed by the Speaker of the House of
65 Representatives, provided that one of these appointees shall have expertise in working
66 with local government:

67 (A) One member of the business community with expertise in construction

68 management employed by a firm with less than \$25 million in annual revenue;

69 (B) One member of the business community who is a licensed architect; and
70 (C) One member of the business community with expertise in real estate development;
71 and
72 (3) The following members shall be appointed by the Lieutenant Governor, provided that
73 one of these appointees shall have expertise in working with local government:
74 (A) One member of the business community with expertise in construction
75 management employed by a firm with more than \$25 million in annual revenue;
76 (B) One member of the business community who is a licensed professional engineer;
77 and
78 (C) One member of the business community with expertise in finance.
79 (c) The terms of these committee appointments shall be for two years. At least three of
80 these appointees shall reside outside of the Augusta, Georgiapolitan Atlanta area. The appointments
81 shall be made as soon as feasible, but not later than August 1, 2015. The committee shall
82 meet once a month or as needed and shall issue model guidelines to local governments no
83 later than July 1, 2016. Such guidelines shall be updated every two years. The members
84 of the committee shall elect a chairperson and a vice chairperson who shall serve for
85 two-year terms in such office.
86 (d) Citizen members shall receive a daily expense allowance in the amount specified in
87 subsection (b) of Code Section 45-7-21 as well as the mileage or transportation allowance
88 authorized for state employees.
89 (e) Staff support shall be provided by the Department of Administrative Services, the
90 Governor's office, and the Office of Planning and Budget.
91 36-91-112.
92 (a) Prior to executing any comprehensive agreement for the development or operation of
93 93 a qualifying project pursuant to an unsolicited proposal received by a local government
94 94 under this article, the local government shall adopt either:
95 95 (1) The model guidelines from the Partnership for Public Facilities and Infrastructure Act
96 96 Guidelines Committee; or

97 97 (2) Its own guidelines as a policy, rule, regulation, or ordinance, which shall contain each
98 98 of the factors identified in subsection (b) of this Code section.

99 (b) The model guidelines shall include, at a minimum, the following:

100 (1) The period of time each calendar year when the local government will consider
101 receiving, processing, reviewing, or evaluating unsolicited proposals for qualifying
102 projects, and such limited time period shall be established within the sole discretion of
103 the local government;

104 (2) Procedures for the financial review and analysis of an unsolicited proposal that may
105 include:

106 (A) A cost-benefit analysis;

107 (B) Evaluation of the public need for or benefit derived from the qualifying project;

108 (C) Evaluation of the estimated cost of the qualifying project for reasonableness in
109 relation to similar facilities;

110 (D) Evaluation of the source of funding for the project;

111 (E) Consideration of plans to ensure timely development or operation;

112 (F) Evaluation of risk sharing, including cost or completion guarantees, added value,
113 or debt or equity investments by the private entity; and

114 (G) Consideration of any increase in funding, dedicated revenue source, or other
115 economic benefit that would not otherwise be available;

116 (3) Criteria for determining any fees authorized in Code Section 36-91-113 that the local
117 government elects to charge the private entity for the processing, review, and evaluation
118 of an unsolicited proposal;

119 (4) A requirement for the issuance of a request for proposals upon a decision by the local
120 government to proceed with a qualifying project pursuant to an unsolicited proposal;

121 (5) Procedures for posting and publishing notice of the opportunity to offer competing
122 proposals;

123 (6) Procedures for the processing, review, and consideration of competing proposals, and
124 the period for the processing, review, and consideration of competing proposals shall not

125 be less than 90 days;
126 (7) Procedures for determining whether information included in an unsolicited proposal
127 shall be released as part of any request for proposals to ensure fair competition; and
128 (8) Procedures for identifying and appointing an independent owner adviser to the local
129 government with expertise in architecture, engineering, or construction management to
130 assist in the evaluation of an unsolicited proposal and to serve as owner adviser to the local
131 government if the local government chooses to pursue any ensuing solicited bid process.
132 The local government shall not be obligated to engage such services.
133 36-91-113.
134 (a) If a local government adopts a rule, regulation, or ordinance affirming its participation
135 in the process created in this article, a private entity may submit an unsolicited proposal for
136 a project to the local government for review and determination as a qualifying project in
137 accordance with the guidelines established by the local government. Any such unsolicited
138 proposal shall be accompanied by the following material and information:
139 (1) A project description, including the location of the project, the conceptual design of
140 such facility or facilities, and a conceptual plan for the provision of services or
141 technology infrastructure;
142 (2) A feasibility statement that includes:
143 (A) The method by which the private entity proposes to secure any necessary property
144 interests required for the project;
145 (B) A list of all permits and approvals required for the project from local, state, or
146 federal agencies; and
147 (C) A list of public utility facilities, if any, that will be crossed by the project and a
148 statement of the plans of the private entity to accommodate such crossings;
149 (3) A schedule for the initiation and completion of the project to include the proposed
150 major responsibilities and timeline for activities to be performed by both the local
151 government and private entity as well as a proposed schedule for obtaining the permits
152 and approvals required in subparagraph (B) of paragraph (2) of this subsection;

153 (4) A financial plan setting forth the private entity's general plans for financing the
154 project, including the sources of the private entity's funds and identification of any
155 dedicated revenue source or proposed debt or equity investment on behalf of the private
156 entity; a description of user fees, lease payments, and other service payments over the
157 term of the comprehensive agreement pursuant to Code Section 36-91-115; and the
158 methodology and circumstances for changes to such user fees, lease payments, and other
159 service payments over time;

160 (5) A business case statement that shall include a basic description of any direct and
161 indirect benefits that the private entity can provide in delivering the project, including
162 relevant cost, quality, methodology, and process for identifying the project and time
163 frame data;

164 (6) The names and addresses of the persons who may be contacted for further
165 information concerning the unsolicited proposal; and

166 (7) Such additional material and information as the local government may reasonably
167 request.

168 (b) For any unsolicited proposal of the development of a project received by a local
169 government, the local government may charge and retain a reasonable fee to cover the costs
170 of processing, reviewing, and evaluating the unsolicited proposal, including, without
171 limitation, reasonable attorney's fees and fees for financial, technical, and other necessary
172 advisers or consultants.

173 (c) The local government may reject any proposal or unsolicited proposal at any time and
174 shall not be required to provide a reason for its denial. If the local government rejects a
175 proposal or unsolicited proposal submitted by a private entity, it shall have no obligation
176 to return the proposal, unsolicited proposal, or any related materials following such
177 rejection.

178 (d) A private entity assumes all risk in submission of a proposal or unsolicited proposal
179 in accordance with subsections (a) and (b) of this Code section, and a local government
180 shall not incur any obligation to reimburse a private entity for any costs, damages, or loss

181 of intellectual property incurred by a private entity in the creation, development, or
182 submission of a proposal or unsolicited proposal for a qualifying project.
183 36-91-114.

184 (a) The local government may approve the project in an unsolicited proposal submitted by
185 a private entity pursuant to Code Section 36-91-113 as a qualifying project. Determination
186 by the local government of a qualifying project shall not bind the local government or the
187 private entity to proceed with the qualifying project.

188 (b) Upon the local government's determination of a qualifying project as provided in
189 subsection (a) of this Code section, the local government shall:

190 (1) Seek competing proposals for the qualifying project by issuing a request for
191 191 proposals for not less than 90 days; and

192 (2) Review all proposals submitted in response to the request for proposals based on the
193 criteria established in the request for proposals.

194 (c) When the time for receiving proposals expires, the local government shall first rank the
195 proposals in accordance with the factors set forth in the request for proposal or invitation
196 for bids. The local government shall not be required to select the proposal with the lowest
197 price offer, but it may consider price as one of various factors in evaluating the proposals
198 received in response to the request for proposals for a qualifying project. Factors that may
199 be considered include:

200 (1) The proposed cost of the qualifying project;

201 (2) The general reputation, industry experience, and financial capacity of the private
202 entity;

203 (3) The proposed design of the qualifying project;

204 (4) The eligibility of the facility for accelerated selection, review, and documentation
205 timelines under the local government's guidelines;

206 (5) Benefits to the public;

207 (6) The private entity's compliance with a minority business enterprise participation plan;

208 (7) The private entity's plans to employ local contractors and residents; and

209 (8) Other criteria that the local government deems appropriate.
210 (d) After ranking the proposals, the local government shall begin negotiations with the first
211 ranked private entity. If the local government and the first ranked private entity do not
212 reach a comprehensive agreement or interim agreement, then the local government may
213 conduct negotiations with the next ranked private entity. This process shall continue until
214 the local government either voluntarily abandons the process or executes a comprehensive
215 agreement or interim agreement with a private entity.
216 (e) At any time during the process outlined in this Code section but before the full
217 execution of a comprehensive agreement, the local government may, without liability to
218 any private entity or third party, cancel its request for proposals or reject all proposals
219 received in response to its request for proposals, including the unsolicited proposal, for any
220 reason whatsoever.
221 (f) Nothing in this article shall enlarge, diminish, or affect the authority, if any, otherwise
222 possessed by the local government to take action that would impact the debt capacity of the
223 State of Georgia or any local government. The credit of this state shall not be pledged or
224 loaned to any private entity. The local government shall not loan money to the private
225 entity in order to finance all or a portion of the qualifying project. A multiyear lease entered
226 into by a local government which is not terminable at the end of each fiscal year during the
227 term of the lease shall be considered a debt of the local government which enters into such
228 lease, and such lease shall apply against the debt limitations of the local government.
229 36-91-115.
230 (a) The comprehensive agreement entered into between the local government and the
231 private entity selected in accordance with this article shall include:
232 (1) A thorough description of the duties of each party in the completion and operation
233 of the qualifying project;
234 (2) Dates and schedules for the completion of the qualifying project;
235 (3) Any user fees, lease payments, or service payments as may be established by
236 agreement of the parties, as well as any process for changing such fees or payments
237 throughout the term of the agreement, and a copy of any service contract;

238 (4) Any reimbursements to be paid to the local government for services provided by the
239 local government;

240 (5) A process for the review of plans and specifications for the qualifying project by the
241 local government and approval by the local government if the plans and specifications
242 conform to reasonable standards acceptable to the local government;

243 (6) A process for the periodic and final inspection of the qualifying project by the local
244 government to ensure that the private entity's activities are in accordance with the
245 provisions of the comprehensive agreement;

246 (7) Delivery of performance and payment bonds in the amounts required in Code
247 Sections 36-91-70 and 36-91-90 and in a form acceptable to the local government for
248 those components of the qualifying project that involve construction, and surety bonds,
249 letters of credit, or other forms of security acceptable to the local government for other
250 phases and components of the development of the qualifying project;

251 (8) Submission of a policy or policies of public liability insurance, copies of which shall
252 be filed with the local government accompanied by proofs of coverage, or self-insurance,
253 each in form and amount satisfactory to the local government and reasonably sufficient
254 to ensure coverage of tort liability to the public and employees and to enable the
255 continued operation of the qualifying project;

256 (9) A process for monitoring the practices of the private entity by the local government
257 to ensure that the qualifying project is properly maintained;

258 (10) The filing of appropriate financial statements to the local government on a periodic
259 basis; and

260 (11) Provisions governing the rights and responsibilities of the local government and the
261 private entity in the event that the comprehensive agreement is terminated or there is a
262 material default by the private entity, including conditions governing assumption of the
263 duties and responsibilities of the private entity by the local government and the transfer
264 or purchase of property or other interests of the private entity by the local government,

265 including provisions compliant with state constitutional limitations on public debt by the
266 local government. Such policies and procedures shall be consistent with Code
267 Section 36-91-116.

268 (b) The comprehensive agreement may include such other terms and conditions that the
269 local government determines will serve the public purpose of this article and to which the
270 private entity and the local government mutually agree, including, without limitation,
271 provisions regarding unavoidable delays and provisions where the authority and duties of
272 the private entity under this article shall cease and the qualifying project is dedicated to the
273 local government for public use.

274 (c) Any changes in the terms of the comprehensive agreement, as may be agreed upon by
275 the parties from time to time, shall be added to the comprehensive agreement by written
276 amendment.

277 (d) The comprehensive agreement may provide for the development of phases or segments
278 of the qualifying project.
279 36-91-116.

280 (a) In the event of a material default by the private entity, the local government may
281 terminate, with cause, the comprehensive agreement and exercise any other rights and
282 remedies that may be available to it at law or in equity, including, but not limited to, claims
283 under the maintenance, performance, or payment bonds; other forms of security; or letters
284 of credit required by Code Section 36-91-115.

285 (b) The local government may elect to assume the responsibilities and duties of the private
286 entity of the qualifying project, and in such case, it shall succeed to all of the right, title,
287 and interest in such qualifying project subject to statutory limitations on the availability of
288 future appropriated or otherwise unobligated funds.

289 (c) The power of eminent domain shall not be delegated to any private entity with respect
290 to any project commenced or proposed pursuant to this article. Any local government
291 having the power of condemnation under state law may exercise such power of

292 condemnation to acquire the qualifying project in the event of a material default by the
293 private entity. Any person who has perfected a security interest in the qualifying project
294 may participate in the condemnation proceedings with the standing of a property owner.

295 (d) In the event the local government elects to take over a qualifying project pursuant to
296 subsection (b) of this Code section, the local government may develop the qualifying
297 project, impose user fees, and impose and collect lease payments for the use thereof.
298 36-91-117.

299 All power or authority granted by this article to public entities shall be in addition and
300 supplemental to, and not in substitution for, the powers conferred by any other general,
301 special, or local law. The limitations imposed by this article shall not affect the powers
302 conferred by any other general, special, or local law and shall apply only to the extent that
303 a local government elects to proceed under this article.

304 36-91-118.

305 Nothing in this article shall be construed as or deemed a waiver of the sovereign or official
306 immunity of any local government or any officer or employee thereof with respect to the
307 participation in, or approval of, all or any part of the qualifying project or its operation,
308 including, but not limited to, interconnection of the qualifying project with any other
309 infrastructure or project.

310 36-91-119.

311 (a) Local governments that proceed with procurement pursuant to competitive sealed
312 bidding as defined in Code Section 36-91-2, or any other purchasing options available
313 under current law, shall not be required to comply with this article.

314 (b) Nothing in this article shall apply to or affect the State Transportation Board, the 3
315 15 Department of Transportation, or the State Road and Tollway Authority, or any project
316 thereof.

317 (c) Nothing in this article shall abrogate the obligations of a local government or private
318 entity to comply with the public meetings requirement in accordance with Chapter 14 of
319 Title 50 or to disclose public information in accordance with Article 4 of Chapter 18 of

320 Title 50."

321 **SECTION 3.**

322 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
323 by adding a new chapter to read as follows:

324 **"CHAPTER 5C**

325 **50-5C-1.**

326 As used in this chapter, the term:

327 (1) 'Affected local jurisdiction' means any county, municipality, or school district in
328 which all or a portion of a qualifying project is located.

329 (2) 'Comprehensive agreement' means the written agreement between the private entity
330 and the responsible public entity required by Code Section 50-5C-5.

331 (3) 'Develop' or 'development' means to plan, design, develop, finance, lease, acquire,
332 install, construct, operate, maintain, or expand.

333 (4) 'Person' means an individual, corporation, partnership, trust, association, or other
334 legal entity.

335 (5) 'Private entity' means any natural person, corporation, general partnership, limited
336 liability company, limited partnership, joint venture, business trust, public
337 benefit corporation, nonprofit entity, or other business entity.

338 (6) 'Public entity' means a department, agency, board, bureau, commission, authority,
339 or instrumentality of the State of Georgia, including the Board of Regents of the
340 University System of Georgia as well as a local government or local authority.

341 (7) 'Qualifying project' means any project submitted by a private entity as an
342 unsolicited proposal in accordance with this chapter and subsequently reviewed and
343 approved by a responsible public entity, within its sole discretion, as meeting a public
344 purpose or public need. This term shall not include and shall have no application to any
345 project involving:

346 (A) The generation of electric energy for sale pursuant to Chapter 3 of Title 46; (B)

347 Communications services pursuant to Articles 4 and 7 of Chapter 5 of Title 46; (C)

348 Cable and video services pursuant to Chapter 76 of Title 36; or

349 (D) Water reservoir projects as defined in paragraph (10) of Code Section 12-5-471,
350 which shall be governed by Article 4 of Chapter 91 of Title 36.

351 (8) 'Responsible public entity' means a public entity that has the power to contract
352 with a private entity to develop an identified qualifying project. For any unsolicited
353 proposal for a project at one or more institutions of the University System of
354 Georgia, the responsible public entity shall be the Board of Regents of the
355 University System of Georgia or its designees. For any unsolicited proposal for a
356 project for one or more state government entities, other than an institution of the
357 University System of Georgia, the responsible public entity shall be the State
358 Properties Commission.

359 (9) 'Revenue' means all revenues, income, earnings, user fees, lease payments, or
360 other service payments arising out of or in connection with supporting the
361 development or operation of a qualifying project.

362 (10) 'Unsolicited proposal' means a written proposal for a qualifying project that is received by a
363 responsible public entity and is not in response to any request for proposal issued by a responsible public entity.

364 50-5C-2.

365 For any qualifying project undertaken by the State Properties Commission, the Georgia
366 State Financing and Investment Commission shall be solely authorized to develop
367 guidelines for this process. For any qualifying project undertaken by the University
368 System of Georgia, the Board of Regents of the University System of Georgia shall be
369 solely authorized to develop guidelines for this process.

370 50-5C-3.

371 (a) Between May 1 and June 30 of each year, a private entity may submit an
372 unsolicited proposal for a project to the responsible public entity for review and
373 determination as a qualifying project in accordance with the guidelines established by
374 Code Section 50-5C-2. Any such unsolicited proposal shall be accompanied by the
375 following material and information:

376 (1) A project description, including the location of the project, the conceptual design of

376 such facility or facilities, and a conceptual plan for the provision of services or
377 technology infrastructure;

378 (2) A feasibility statement that includes:

379 (A) The method by which the private entity proposes to secure any necessary
380 property interests required for the project;

381 (B) A list of all permits and approvals required for the project from local,
382 state, or federal agencies; and

383 (C) A list of public utility facilities, if any, that will be crossed by the project
384 and a statement of the plans of the private entity to accommodate such crossings;

385 (3) A schedule for the initiation and completion of the project to include the proposed
386 major responsibilities and timeline for activities to be performed by both the public and
387 private entity as well as a proposed schedule for obtaining the permits and approvals
388 required in subparagraph (B) of paragraph (2) of this subsection;

389 (4) A financial plan setting forth the private entity's general plans for financing the
390 project, including the sources of the private entity's funds and identification of any
391 dedicated revenue source or proposed debt or equity investment on behalf of the private
392 entity; a description of user fees, lease payments, and other service payments over the
393 term of the comprehensive agreement pursuant to Code Section 50-5C-5; and the
394 methodology and circumstances for changes to such user fees, lease payments, and other
395 service payments over time;

396 (5) A business case statement that shall include a basic description of any direct and
397 indirect benefits that the private entity can provide in delivering the project, including
398 relevant cost, quality, methodology, and process for identifying the project and time
399 frame data;

400 (6) The names and addresses of the persons who may be contacted for further
401 information concerning the unsolicited proposal; and

402 (7) Such additional material and information as the responsible public entity may
403 reasonably request.

404 (b) For any unsolicited proposal for the development of a project received by a responsible
405 public entity, the private entity shall reimburse the responsible public entity for the actual
406 costs incurred to process, review, and evaluate the unsolicited proposal, including, without
407 limitation, reasonable attorney's fees and fees for financial, technical, and other necessary
408 advisers or consultants.

409 (c) Any private entity submitting an unsolicited proposal under subsection (a) of this Code
410 section to a responsible public entity shall also notify each affected local jurisdiction by
411 furnishing a copy of its unsolicited proposal to each affected local jurisdiction.

412 (d) Each affected local jurisdiction that is not a responsible public entity for the respective
413 project may, within 45 days after receiving such notice, submit any comments regarding
414 the unsolicited proposal it may have in writing to the responsible public entity and indicate
415 whether the project is compatible with local plans and budgets. A project shall be
416 consistent with zoning and land use regulations of the responsible public entity and each
417 affected local jurisdiction.

418 (e) The responsible public entity may reject any proposal or unsolicited proposal at any
419 time and shall not be required to provide a reason for its denial. If the responsible public entity
420 rejects a proposal or unsolicited proposal submitted by a private entity, it shall have
421 no obligation to return the proposal, unsolicited proposal, or any related materials
422 following such rejection.

423 (f) A private entity assumes all risks in submission of a proposal or unsolicited proposal
424 in accordance with subsections (a) and (b) of this Code section, and a responsible public
425 entity shall not incur any obligation to reimburse a private entity for any costs, damages,
426 or loss of intellectual property incurred by a private entity in the creation, development, or
427 submission of a proposal or unsolicited proposal for a qualifying project.

428 50-5C-4.

429 (a) The responsible public entity may approve the project in an unsolicited proposal
430 submitted by a private entity pursuant to Code Section 50-5C-3 as a qualifying project.
431 Determination by the responsible public entity of a qualifying project shall not bind the
432 responsible public entity or the private entity to proceed with the qualifying project.

433 (b) Upon the responsible public entity's determination of a qualifying project as provided
434 in subsection (a) of this Code section, the responsible public entity shall:

435 (1) Seek competing proposals for the qualifying project by issuing a request for
436 proposals for not less than 90 days; and

437 (2) Review all proposals submitted in response to the request for proposals based on the
438 criteria established in the request for proposals.

439 (c) When the time for receiving proposals expires, the responsible public entity shall first
440 rank the proposals in accordance with the factors set forth in the request for proposal or
441 invitation for bids. The responsible public entity shall not be required to select the proposal
442 with the lowest price offer, but it may consider price as one of various factors in evaluating
443 the proposals received in response to the request for proposals for a qualifying project.

444 Factors that may be considered include:

445 (1) The proposed cost of the qualifying project;

446 (2) The general reputation, industry experience, and financial capacity of the private
447 entity;

448 (3) The proposed design of the qualifying project;

449 (4) The eligibility of the facility for accelerated selection, review, and documentation
450 timelines under the responsible public entity's guidelines;

451 (5) Benefits to the public;

452 (6) The private entity's compliance with a minority business enterprise participation plan;

453 (7) The private entity's plans to employ local contractors and residents; and

454 (8) Other criteria that the responsible public entity deems appropriate.

455 (d) After ranking the proposals, the responsible public entity shall begin negotiations with
456 the first ranked private entity. If the responsible public entity and the first ranked private
457 entity do not reach a comprehensive agreement or interim agreement, then the responsible
458 public entity may conduct negotiations with the next ranked private entity. This process
459 shall continue until the responsible public entity either voluntarily abandons the process or
460 executes a comprehensive agreement or interim agreement with a private entity.

461 (e) At any time during the process outlined in this Code section but before full execution
462 of a comprehensive agreement, the responsible public entity may, without liability to any
463 private entity or third party, cancel its request for proposals or reject all proposals received
464 in response to its request for proposals, including the unsolicited proposal, for any reason
465 whatsoever.

466 (f) Nothing in this chapter shall enlarge, diminish, or affect the authority, if any, otherwise
467 possessed by the responsible public entity to take action that would impact the debt
468 capacity of the State of Georgia. The credit of this state shall not be pledged or loaned to
469 any private entity. The responsible public entity shall not loan money to the private entity
470 in order to finance all or a portion of the qualifying project. All power or authority granted
471 by this chapter to public entities shall be in addition to and supplemental to, and not in
472 substitution for, the powers conferred by any other general, special, or local law. The
473 limitations imposed by this chapter shall not affect the powers conferred by any other
474 general, special, or local law and shall apply only to the extent that a public entity elects
475 to proceed under this chapter. A multiyear lease entered into by the state as lessee under
476 this Code section which is not terminable at the end of each fiscal year during the term of
477 the lease shall be subject to and comply with the provisions of Code Section 50-16-41,
478 specifically including compliance with any multiyear contract value authority adopted by
479 the Georgia State Financing and Investment Commission for each fiscal year.

480 50-5C-5.

481 (a) The comprehensive agreement entered into between the responsible public entity and
482 the private entity selected in accordance with this chapter shall include:

483 (1) A thorough description of the duties of each party in the completion and operation
484 of the qualifying project;

485 (2) Dates and schedules for the completion of the qualifying project;

486 (3) Any user fees, lease payments, or service payments as may be established by
487 agreement of the parties, as well as any process for changing such fees or payments
488 throughout the term of the agreement, and a copy of any service contract;

489 (4) Any reimbursements to be paid to the responsible public entity for services provided

490 by the responsible public entity;
491 (5) A process for the review of plans and specifications for the qualifying project by the
492 responsible public entity and approval by the responsible public entity if the plans and
493 specifications conform to reasonable standards acceptable to the responsible public entity;
494 (6) A process for the periodic and final inspection of the qualifying project by the
495 responsible public entity to ensure that the private entity's activities are in accordance
496 with the provisions of the comprehensive agreement;
497 (7) Delivery of performance and payment bonds in the amounts required in Code
498 Sections 13-10-40, 13-10-41, and 13-10-60 and in a form acceptable to the responsible
499 public entity for those components of the qualifying project that involve construction, and
500 bonds, letters of credit, or other forms of security acceptable to the responsible public
501 entity for other phases and components of the development of the qualifying project;
502 (8) Submission of a policy or policies of public liability insurance, copies of which shall
503 be filed with the responsible public entity accompanied by proofs of coverage, or
504 self-insurance, each in form and amount satisfactory to the responsible public entity and
505 reasonably sufficient to ensure coverage of tort liability to the public and employees and
506 to enable the continued operation of the qualifying project;
507 (9) A process for monitoring the practices of the private entity by the responsible public
508 entity to ensure that the qualifying project is properly maintained;
509 (10) The filing of appropriate financial statements to the responsible public entity on a 5
510 periodic basis; and
511 (11) Provisions governing the rights and responsibilities of the responsible public entity
512 and the private entity in the event the comprehensive agreement is terminated or there is
513 a material default by the private entity, including conditions governing assumption of the
514 duties and responsibilities of the private entity by the responsible public entity and the
515 transfer or purchase of property or other interests of the private entity by the responsible
516 public entity, including provisions compliant with state constitutional limitations on
517 public debt.

518 (b) The comprehensive agreement may include such other terms and conditions that the
519 responsible public entity determines will serve the public purpose of this chapter and to
520 which the private entity and the responsible public entity mutually agree, including,
521 without limitation, provisions regarding unavoidable delays and provisions where the
522 authority and duties of the private entity under this chapter shall cease, and the qualifying
523 project is dedicated to the responsible public entity.

524 (c) Any changes in the terms of the comprehensive agreement, as may be agreed upon by
525 the parties from time to time, shall be added to the comprehensive agreement by written
526 amendment.

527 (d) The comprehensive agreement may provide for the development of phases or segments
528 of the qualifying project.

529 50-5C-6.

530 (a) In the event of a material default by the private entity, the responsible public entity may
531 terminate, with cause, the comprehensive agreement and exercise any other rights and
532 remedies that may be available to it at law or in equity, including, but not limited to, claims
533 under the maintenance, performance, or payment bonds; other forms of security; or letters
534 of credit required by Code Section 50-5C-5 in accordance with Code Sections 13-10-40
535 through 13-10-65.

536 (b) The responsible public entity may elect to assume the responsibilities and duties of the
537 private entity of the qualifying project, and in such case, it shall succeed to all of the right,
538 title, and interest in such qualifying project.

539 (c) The power of eminent domain shall not be delegated to any private entity with respect
540 to any project commenced or proposed pursuant to this chapter. Any responsible public
541 entity having the power of condemnation under state law may exercise such power of
542 condemnation to acquire the qualifying project in the event of a material default by the
543 private entity. Any person who has perfected a security interest in the qualifying project
544 may participate in the condemnation proceedings with the standing of a property owner.

545 (d) In the event the responsible public entity elects to take over a qualifying project

546 pursuant to subsection (b) of this Code section, the responsible public entity may develop
548 the qualifying project, impose user fees, and impose and collect lease payments for the use thereof.

549 50-5C-7.

550 All power or authority granted by this chapter to public entities shall be in addition and
551 supplemental to, and not in substitution for, the powers conferred by any other general or
552 special law. The limitations imposed by this chapter shall not affect the powers conferred
561 by any other general, special, or local law and shall apply only to the extent that a public
562 entity elects to proceed under this chapter.

563 50-5C-8.

564 Nothing in this chapter shall be construed as or deemed a waiver of the sovereign or
565 official immunity of any responsible public entity or any officer or employee thereof with
566 respect to the participation in, or approval of, all or any part of the qualifying project or its
567 operation, including, but not limited to, interconnection of the qualifying project with any
568 other infrastructure or project.

569 50-5C-9.

566 Any law enforcement officers of the public entity shall have the same powers and
567 jurisdiction within the portion of such qualifying project as they have in their respective
568 areas of jurisdiction, and such law enforcement officers shall have access to the qualifying
569 project at any time for the purpose of exercising such powers and jurisdiction.

570 50-5C-10.

571 (a) Responsible public entities that proceed with procurement pursuant to competitive
572 sealed bidding pursuant to Code Section 50-5-67, or any other purchasing options available
573 to them under current law, shall not be required to comply with this chapter.

570 (b) Nothing in this chapter shall apply to or affect the State Transportation Board, the
571 Department of Transportation, or the State Road and Tollway Authority, or any project
572 thereof.

573 (c) Nothing in this chapter shall abrogate the obligations of a responsible public entity or

574 private entity to comply with the public meetings requirement in accordance with
575 Chapter 14 of this title or to disclose public information in accordance with Article 4 of
576 Chapter 18 of this title."

577 **SECTION 4.**

578 This Act shall become effective upon its approval by the Governor or upon its becoming law
579 without such approval.

580 **SECTION 5.**

581 All laws and parts of laws in conflict with this Act are repealed.



Frequently Asked Question:

1. What is an unsolicited proposal?

A written proposal for a qualifying project that is received by a local government and is not in response to any request for proposal for a qualifying project issued by a local government.

A “qualifying project” as defined broadly under the PPFIA. Specifically, the PPFIA defines a “qualifying project” as any project selected in response to a request for a local government or submitted by a private entity as an unsolicited proposal in accordance with the PPFIA and subsequently reviewed and approved by a local government, within its sole discretion, as meeting a public purpose or public need.

2. What is NOT an unsolicited proposal?

Projects involving generation of electric energy or sale, communications services, cable and video services and water reservoir projects.

- “Advertising material” - Material designed to acquaint the Government with a prospective contractor’s present products, services, or potential capabilities, or designed to stimulate the Government’s interest in buying such products or services.
- “Commercial item offer” - An offer of a commercial item that the vendor wishes to see introduced in the Government’s supply system as an alternate or a replacement for an existing supply item. This term does not include innovative or unique configurations or uses of commercial items that are being offered for further development and that may be submitted as an unsolicited proposal.
- “Contribution” - A concept, suggestion, or idea presented to the Government for its use with no indication that the source intends to devote any further effort to it on the Government’s behalf.

3. What constitutes a valid unsolicited proposal?

A valid unsolicited proposal must-

- Be innovative and unique;
- Be independently originated and developed by the offerer. Unsolicited proposals in response to a publicized general statement of agency needs are considered to be independently originated;
- Be prepared without Government supervision, endorsement, direction, or direct Government involvement;
- Include sufficient detail to permit a determination that Government support could be worthwhile and the proposed work could benefit the agency’s research and development or other mission responsibilities;
- Not be an advance proposal for a known agency requirement that can be acquired by competitive methods, and
- Not address a previously published agency requirement.

4. What information is required on a valid unsolicited proposal?

Please visit <http://www.augustaga.gov/679/Procurement> for more information.

5. What about identifying and marking proprietary information?

Only proposals complying with the requirements of these guidelines and the PPFIA that contain sufficient information for a meaningful evaluation and that are provided in an appropriate format shall be considered by Augusta, Georgia for further review. If any information necessary to make a meaningful evaluation is missing, Augusta, Georgia may request such information from the proposer. Unsolicited proposals may be subject to the Open Records Act.

6. Does it cost anything to submit an unsolicited proposal?

Yes, there is a cost (fee)

The initial proposal-processing fee is \$100.00 and a cashier's check in this amount must accompany all Unsolicited Proposals. This fee is charged to offset the cost of the initial proposal-processing review, and is non-refundable regardless of whether or not the proposal is determined to merit further consideration. This amount is subject to annual adjustment to reflect inflation or in response to market conditions. The current fee will be updated as necessary and available on Augusta, Georgia's website.

The detailed evaluation fee applies only to proposals that are determined to merit further consideration. At such time, that Augusta, Georgia reaches such a determination, the proposer will be notified, and the amount of the detailed evaluation fee identified. In response to this notification, the proposer may pay the detailed evaluation fee to proceed with the procurement process, or withdraw its proposal from further consideration without incurring any additional cost or obligation.

The amount of the detailed evaluation fee will vary with the estimated cost of the proposed project, product, or service, as described in the table below, to reflect the degree of complexity of the proposed project and the corresponding level of effort associated with the detailed evaluation.

ESTIMATED COST		DETAILED EVALUATION FEE
<	1 Million	\$5 000
	\$1 Million - \$20 Million	\$10 000
	\$20 Million - \$50 Million	\$20,000
	\$50 Million - \$100 Million	\$35 000
	\$100 Million - \$500 Million	\$60 000
	\$250 Million - \$500 Million	\$85,000
	\$500 Million - \$1 Billion	\$110,000
>	Billion	TBD

Proponents are expected to meet their own costs as proposals progress through the various stages of the process.

7. How do I submit a formal proposal?

Time Period. Unsolicited proposals for qualifying projects will be received by the Augusta, Georgia. Proposals will be received by 3:00 PM Monday thru Friday beginning on the first business day of JANUARY and ending on the last business day of MARCH of each year. Such unsolicited proposals shall be in writing and shall be delivered to:

The Director of Procurement
Augusta Procurement Department
UNSOLICITED PROPOSAL
535 Telfair Street - Room 605
Augusta, Georgia 30901

8. What format should be used when submitting Unsolicited Proposals?

Format for Submissions. Unsolicited proposals shall contain, at a minimum, the following information: (a) a project description, (b) a project feasibility statement, (c) a proposed project schedule, (d) a project financing plan, (e) a business case statement that shall include a basic description of any direct and indirect benefits that the private entity can provide in delivering the project, including relevant cost, quality, methodology, and process for identifying the project and time frame data, (f) a description of any anticipated public support or opposition, (g) qualifications and experience (h) names and addresses of persons who may be contact and (i) any additional information as the local government may reasonably request to comply with the requirements of the PPFIA. Proposals should be prepared simply and economically, providing a concise description of the proposer's capabilities to complete the proposed qualifying project and the benefits to be derived from the project by the local government. Such proposals may also include any additional pertinent information as determined by the proposer.

Please visit: <http://www.augustaga.gov/unsolicitedproposal>

9. Will proposals that relate to a matter currently the subject of a competitive tender process be considered?

Under Senate Bill 59 of the Guide states that proposals for projects where a tender process has formally commenced, whether published or not, are unlikely to be considered.

10. Can I submit an unsolicited proposal to another government department/agency other than the Procurement Department?

No, Augusta's Procurement Department will receive all proposals.

11. Why submit an unsolicited proposal if it might be subject to a competitive tender process?

An unsolicited proposal can be a valuable means for communicating innovative ideas to Augusta, Georgia. If a proposal does not satisfy the assessment criteria set out in the Guide but Augusta sees merit in the proposal (or similar), the government may consider offering delivery of the proposal to the market.

In the event that a competitive tender process is considered appropriate, the government will respect any intellectual property of the proponent. The proponent may participate in any procurement process.

Please review the following sections in the Augusta, Code for more details:

SEC. 1-10-72 Request for Proposals

SEC. 1-10-73 Procedures for Posting and Publishing Notice of the Opportunity to offer competing proposals

12. How long does each stage of the unsolicited proposals process take?

The timeframe for each stage of the unsolicited proposals process is subject to the complexity of the proposal and the number of stakeholders involved.

13. How detailed should the initial submission be?

For the purposes of evaluating a proposal, proponents should complete the required information as listed in stages one and two of the Guidelines and review the Augusta, Georgia Code.

Please visit: <http://www.augustaga.gov/unsolicitedproposal>

14. Is there a minimum threshold for proposals that can be assessed under the unsolicited proposals guidelines?

No, there is no minimum monetary threshold for proposals that can be assessed. All innovative proposals that address the assessment criteria under the Guide will be considered.

15. My proposal contains commercial-in-confidence information. How will this be treated throughout the unsolicited proposals process?

All unsolicited proposals submitted are confidential unless they reach Stage III of the process where brief details of the proposal will be published on Augusta, Georgia website. However, please note "Georgia Open Records Act" may apply.

See Augusta Code: Sec. 1-10-71 Procedures for Determining Release of Information in Unsolicited Proposal Georgia Open Record Act

16. My proposal contains details on intellectual property that I hold. How will this be treated throughout the unsolicited proposals process?

Augusta will respect any intellectual property of proponents throughout all stages of the unsolicited proposals process.

17. Can I submit additional documentation (attachments) with my unsolicited proposal?

Proponents are able to submit any additional documentation or material with their unsolicited proposal application, provided that such material is relevant to addressing the questions raised in the Schedule of Information Requirements.

18. Who can I contact after I have made a submission?

Please Contact:

The Director of Procurement
Augusta Procurement Department
UNSOLICITED PROPOSAL
535 Telfair Street - Room 605
Augusta, Georgia 30901
Or

E-mail to:
unsolicitedproposal@augustaga.gov

19. My proposal did not proceed to Phase 2. Can I receive feedback on my proposal?

Proponents that are unsuccessful in Phase 2 of the unsolicited proposals process will be given reasons on why Augusta, Georgia has decided not to proceed with their proposal. Feedback will be in accordance with the assessment criteria outlined in the Guidelines.

20. I have submitted a proposal. Can I contact other government departments during the assessment of my proposal?

Proponents are forbidden to contact personnel within the government during the assessment of their proposal, other than the Procurement Director as stated in Question number 14.