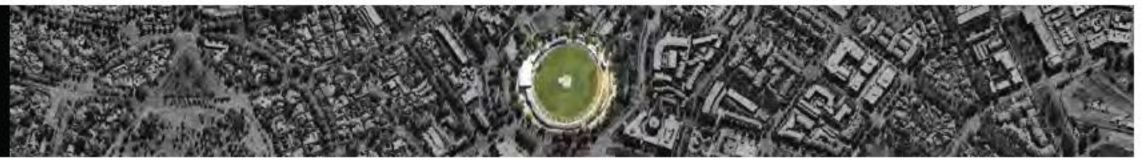
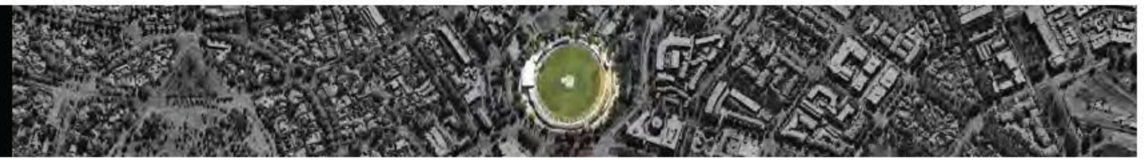
EASTERN STAND STRUCTURE OPTION 1

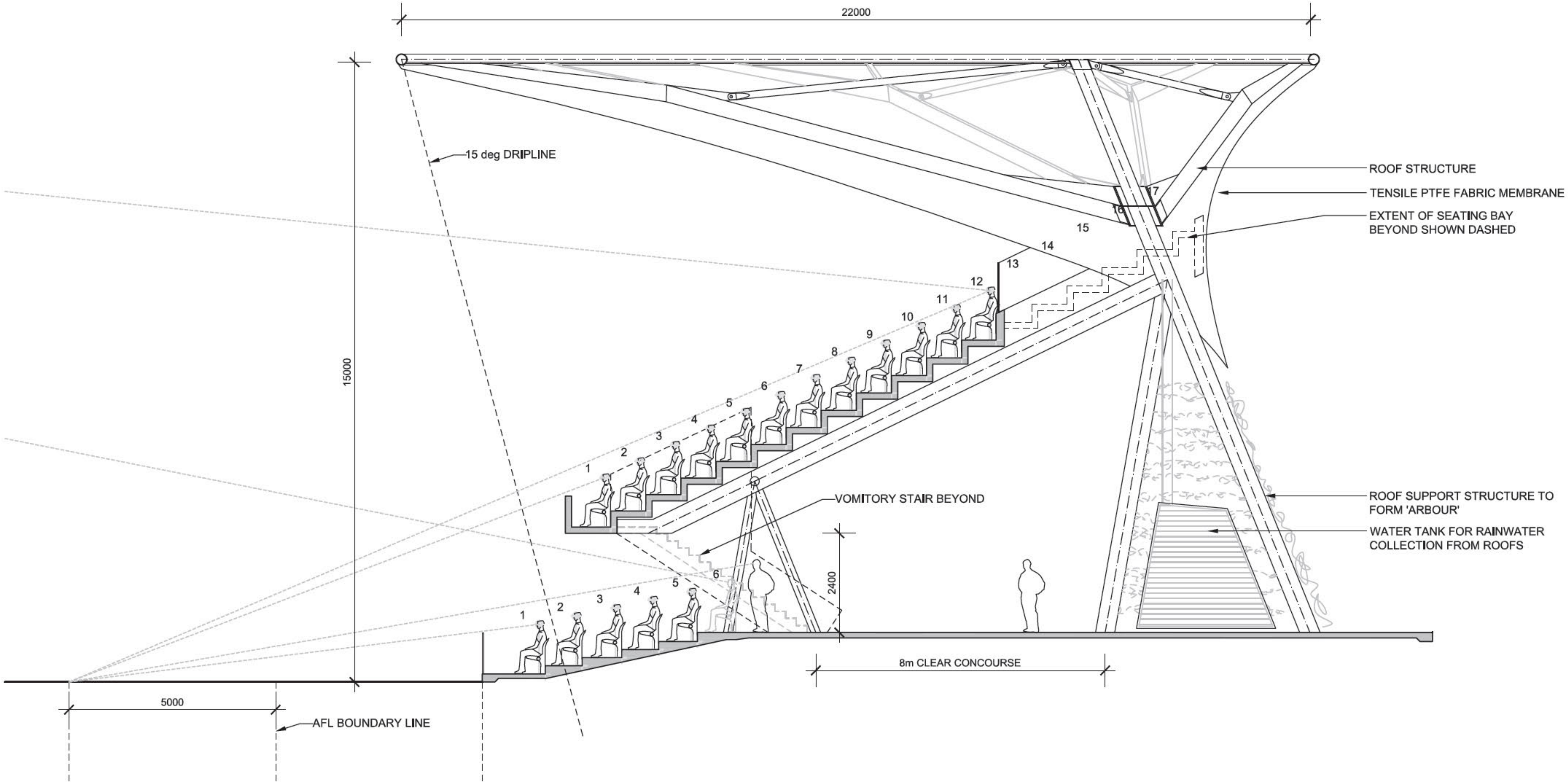
EASTERN STAND STRUCTURE OPTION 2



OPTION 1

OPTION 2

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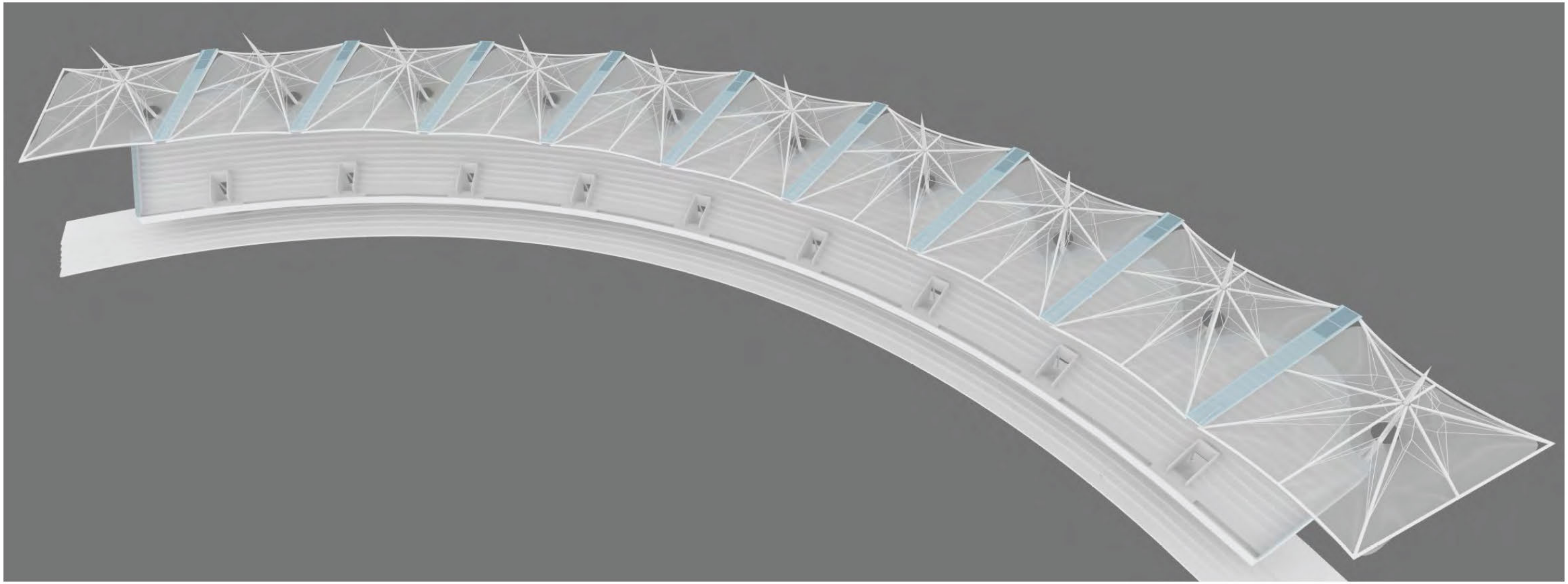
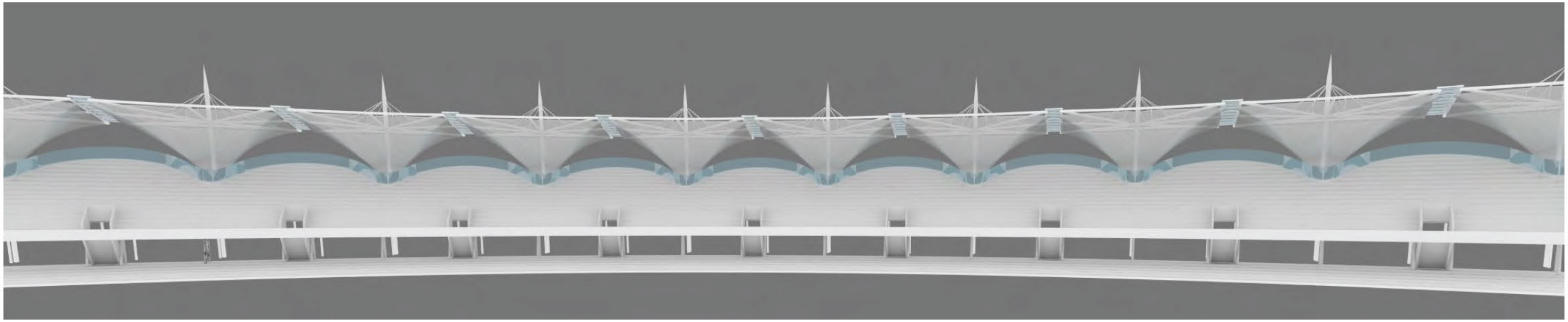
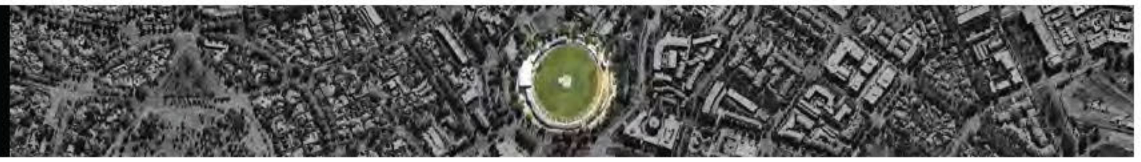
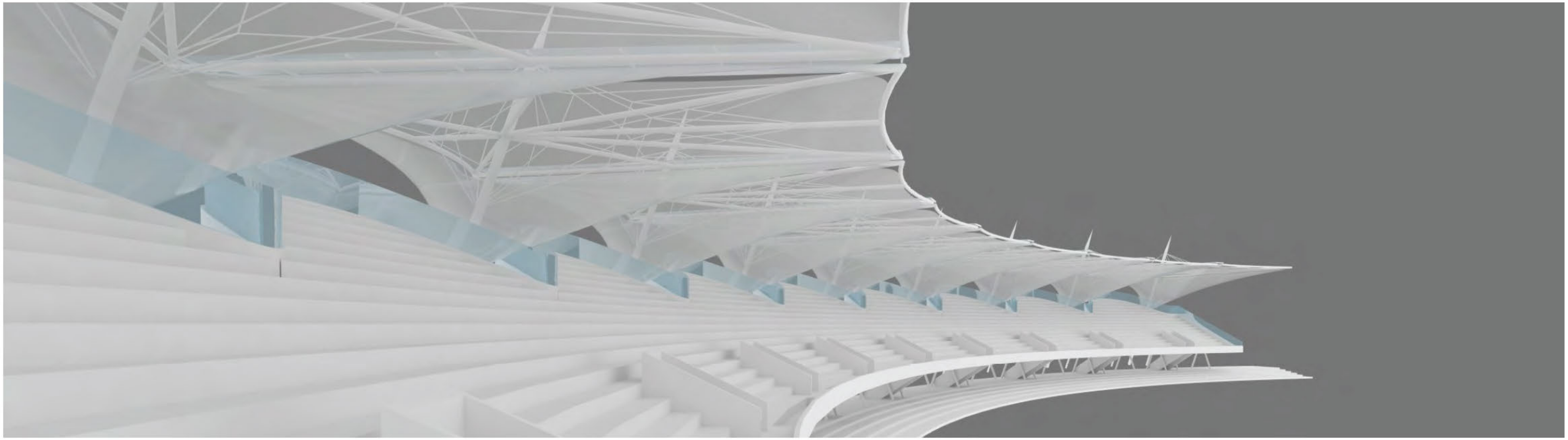
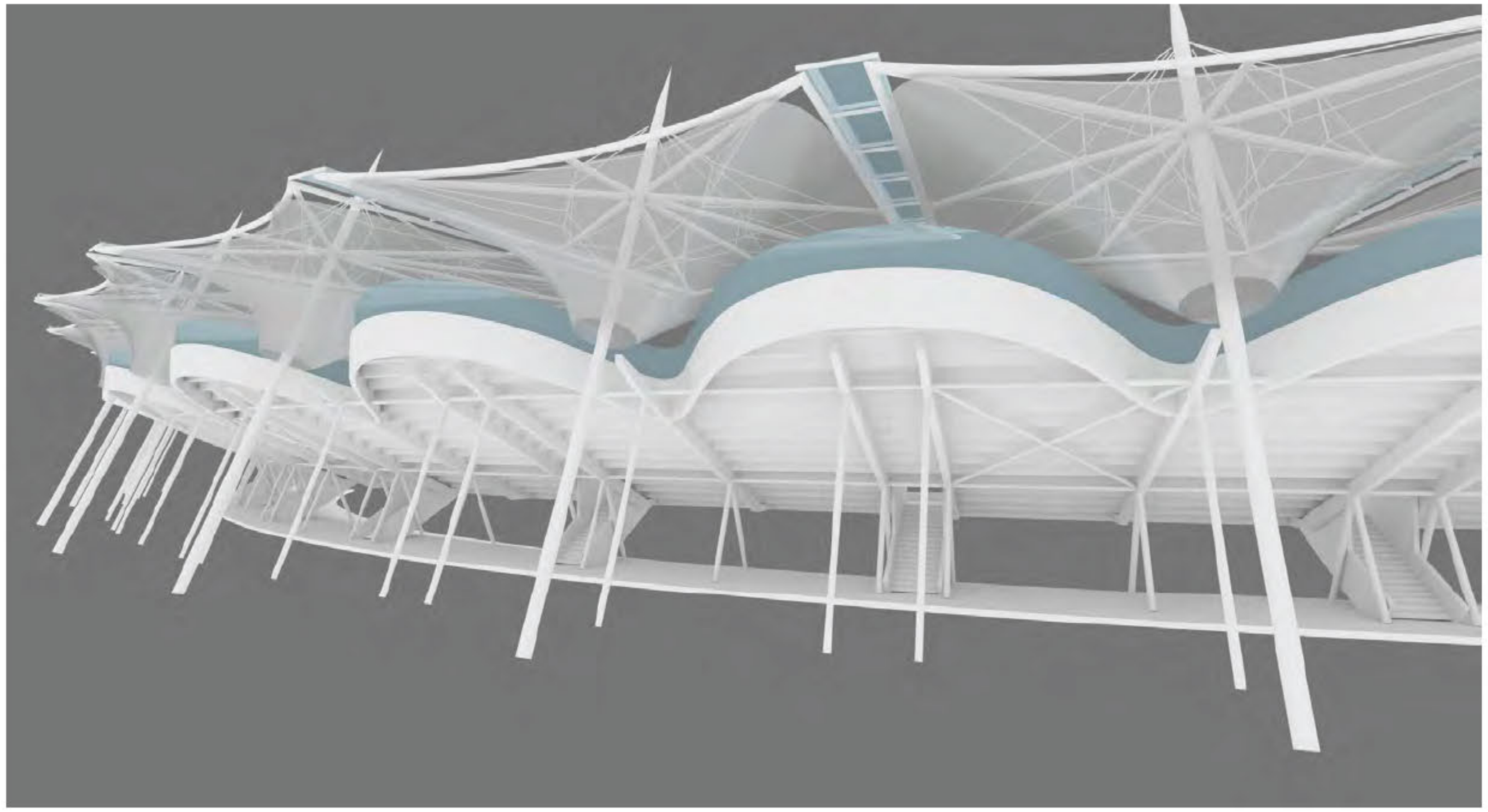
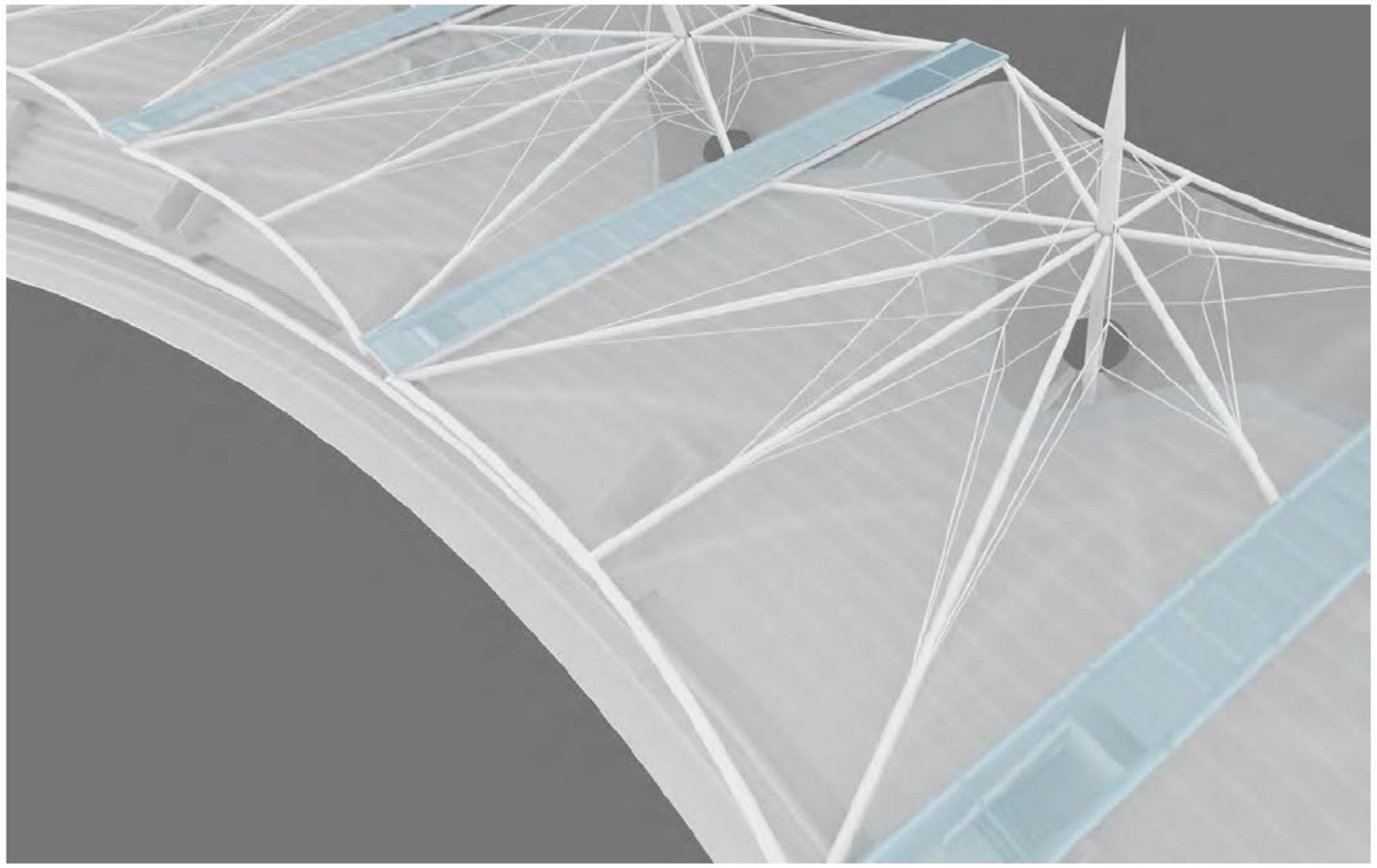


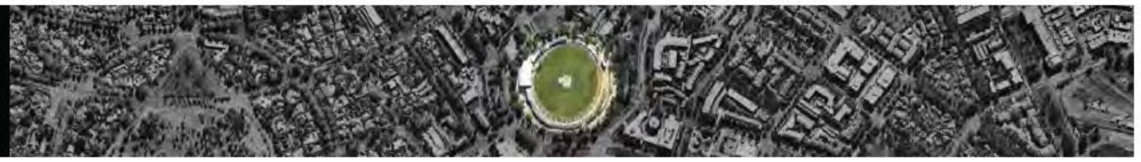






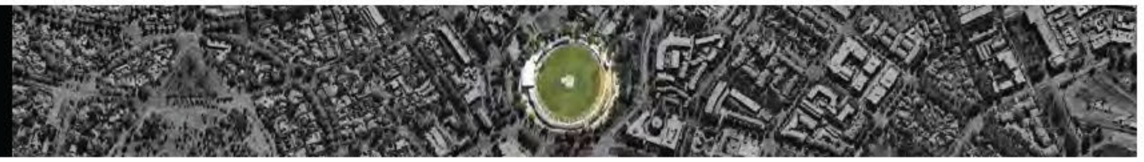






APPENDIX A

MANUKA OVAL WESTERN STAND SCHEMATIC DESIGN COST PLAN



From: Vest, Petra on behalf of Rake, Gary
To: Pierre
Subject: RE: GWS-Manuka Oval
Date: Wednesday, 19 November 2014 3:35:00 PM
Attachments: image001.jpg

Good Afternoon Pierre,

Gary would be available the following week at 3:30pm Wednesday 3 December.

Please advise if this is suitable and I will forward a meeting invite.

Kind Regards,

Petra

Petra Vest | Executive Assistant to **Gary Rake** I **Deputy Director-General**
Phone 02 6207 7279 | Fax 02 6205 0629
Arts, Business, Events, Sport and Tourism I **Shared Services Capital Works Procurement**
Chief Minister, Treasury and Economic Development Directorate I **ACT Government**
Level 8, 220 Northbourne Ave Braddon ACT 2612
Locked Bag 2001 Civic Square ACT 2608 | www.act.gov.au

From: Pierre [mailto:pierre@dowseprojects.com.au]
Sent: Wednesday, 19 November 2014 3:12 PM
To: Rake, Gary
Subject: GWS-Manuka Oval

Hi Gary

There's another investment proposal I'd like to meet with you to discuss.

It's to do with the Canberra Giants and Manuka Oval. You may have heard something about it already.

It'll be David Lamont and I coming in.

Possible times for us:
Thursday (tomorrow) before 11.30 or after 2pm.
Next Wed (26th) between 3-5
Or the following week is pretty open except for Tuesday.

Thanks

Pierre

From: Rake, Gary
To: Pierre; Vest, Petra
Subject: Re: GWS-Manuka Oval
Date: Wednesday, 19 November 2014 4:02:27 PM

Thanks Pierre, yep, I'm well informed on that one.
Petra will contact you to arrange a time...
Rgds, G

Gary Rake I Deputy Director-General I **Arts, Business, Events, Sport and Tourism** I **Shared Services Capital Works Procurement**
Ph 6205 8294 I Mob 0419 139 648 I **Fax 6205 0629**
Chief Minister, Treasury and Economic Development Directorate I **ACT Government**
220 Northbourne Avenue, Braddon 2612 I GPO Box 158 Canberra ACT 2601
www.economicdevelopment.act.gov.au

Sent from my iPad, so please excuse brevity and the occasional typo or auto-correct error.

On 19 Nov 2014, at 3:12 pm, Pierre <pierre@dowseprojects.com.au> wrote:

> Hi Gary
>
> There's another investment proposal I'd like to meet with you to discuss.
>
> It's to do with the Canberra Giants and Manuka Oval. You may have heard something about it already.
>
> It'll be David Lamont and I coming in.
>
> Possible times for us:
> Thursday (tomorrow) before 11.30 or after 2pm.
> Next Wed (26th) between 3-5
> Or the following week is pretty open except for Tuesday.
>
> Thanks
> Pierre

MINUTE

ACT Government
Chief Minister, Treasury and Economic Development

Date	9/1/15 — TRIM No: File No:
To	Director-General • Deputy Director-General, Arts, Business, Events, Sport and Tourism • Deputy Director-General, Land Development & Corporate • Executive Director, Innovation Trade & Investment • Senior Manager, Invest Canberra
From	Investment Facilitation Manager, Invest Canberra
Subject	Investment Proposal Guidelines (IPG) Submission by GWS Giants for Manuka Oval

Critical date and reason

N/A

Purpose

To brief you on an Investment Proposal Guidelines (IPG) submission by Greater Western Sydney Giants (GWS) for the upgrade of Manuka Oval Precinct (See Attachment A) into a financially sustainable, world class boutique stadium.

Background

The submission is for the ACT Government to partner with the GWS and a private sector partner/s to upgrade and redevelop the Manuka Oval Precinct into a financially sustainable, world class stadium.

The partnership between the GWS and ACT Government would take the form of a joint venture to undertake an estimated $300 million redevelopment of elements of the precinct to achieve a number of objectives, including:

- Upgrades to the sporting infrastructure including the existing stands.
- Upgrades to the change room and game day facilities.
- Upgrades to the public amenities (including toilets, catering facilities and general game day services).

- Upgrading broadcasting infrastructure in the precinct.
- Upgrading corporate hospitality infrastructure in the precinct
- Activation of the precinct with new uses, including accommodation, commercial and retail; and
- Enhancing connectivity with areas outside the precinct.

In return the ACT Government would transfer the custodianship of elements of the precinct to the Giants (Blocks 1, 10, 11 and 16 on the western flank of Manuka Oval plus the land between the western flank and the existing oval infrastructure including the Menzies Stand and seating).

The proposal will be consistent with the ACT Governments Master Plan for the Manuka Oval, the ACT Business Development Strategy and the ACT Planning Strategy.

Issues

The GWS Giants are envisioning coming to an agreement with the ACT Government which determines mutual obligations with respect to the proposal.

ACT Government Obligations:

- Transfer of the custodianship of elements of the precinct to the Giants.
- An agreed level of recurrent ACT Government support for community level sporting events.
- Government Commitment to priorities planning and infrastructure initiatives supporting the development.

Invest Canberra has advised GWS that the proposal requires further information to be provided as below:

- The proposal doesn’t clearly outline the scope and scale of the proposed development i.e. how many rooms the accommodation will have, what star rating, and what other businesses will occupy the site.

- The proposal will need to strongly outline the business case and benefits to the ACT, including other user groups and community stakeholders.

- GWS will need to clarify the lease options over specific portions of the site? In particular the Government will need to know what happens if GWS falls over and needs to sell off the site. What contingency plan will be put in place to ensure the Government has control of the site should something like this happen.

- Finally the presentation will need to specify NCA implications to be considered. There are elements around Manuka Oval that are controlled by NCA and not the ACT Government and which could possibly be implicated in the development.

GWS will provide this information should you agree to the presentation taking place.

Consultation

N/A

Financial

N/A

Risks/ Sensitivities

Potential risks/sensitivities have been identified by GWS in their IPG Submission (See Attachment A)

Media

N/A

Recommendations

That you:

- That you note the contents of this brief and the IPG proposal by GWS

NOTED/PLEASE DISCUSS

- That you agree to a presentation by GWS on their proposal.

AGREED/NOT AGREED/PLEASE DISCUSS

David Dawes... / /

AGREED/NOT AGREED/NOTED/PLEASE DISCUSS

Action Officer: David Saunderson

Extension: x70112

ACT Government

Chief Minister, Treasury and Economic Development

Date due with Minister's Office	Date due with DG Office	TRIM Number
	2/2/15	

Subject: Investment Proposal Guidelines (IPG) Submission by GWS Giants for Manuka Oval

Reply to correspondence from:

Contact Officer: David Saunderson
Phone: X70112

Cleared by Senior Manager [redacted] Date: 29/1/15

Cleared by Executive Director: Date: 29/1/15

Cleared by Division Head: [redacted] Date:

Cleared by Director-General: David Dawes Date: 4/2/15

RECEIVED
3.2.15

MINUTE

ACT Government

Chief Minister, Treasury and Economic Development

Date 29 January 2015 [redacted]

TRIM No:BM15/206

File No:

4/2/15

To Director-General [redacted]

- Deputy Director-General, Arts, Business, Events, Sport and Tourism
- Deputy Director-General, Land Development and Corporate
- Executive Director, Innovation, Trade and Investment
- Senior Manager, Invest Canberra

From Investment Facilitation Manager, Invest Canberra

Subject Investment Proposal Guidelines (IPG) Submission by GWS Giants for Manuka Oval

Critical date and reason

N/A.

Purpose

To brief you on an Investment Proposal Guidelines (IPG) submission by Greater Western Sydney Giants (GWS) for the upgrade of Manuka Oval Precinct (see Attachment A) into a financially sustainable, world class boutique stadium.

Background

The submission is for the ACT Government to partner with the GWS and private sector partner/s to upgrade and redevelop the Manuka Oval Precinct into a financially sustainable, world class stadium.

The partnership between the GWS and ACT Government would take the form of a joint venture to undertake an estimated $300 million redevelopment of elements of the precinct to achieve a number of objectives, including:

- Upgrades to the sporting infrastructure including the existing stands;
- Upgrades to the change room and game day facilities;
- Upgrades to the public amenities (including toilets, catering facilities and general game day services);
- Upgrading broadcasting infrastructure in the precinct;

- Upgrading corporate hospitality infrastructure in the precinct;
- Activation of the precinct with new uses, including accommodation, commercial and retail; and
- Enhancing connectivity with areas outside the precinct.

In return the ACT Government would transfer the custodianship of elements of the precinct to the Giants (Blocks 1, 10, 11 and 16 on the western flank of Manuka Oval plus the land between the western flank and the existing oval infrastructure including the Menzies Stand and seating).

The proposal will be consistent with the ACT Governments Master Plan for the Manuka Oval, the ACT Business Development Strategy and the ACT Planning Strategy.

Issues

The GWS Giants are envisioning coming to an agreement with the ACT Government which determines mutual obligations with respect to the proposal.

ACT Government Obligations:

- Transfer of the custodianship of elements of the precinct to the Giants;
- An agreed level of recurrent ACT Government support for community level sporting events; and
- Government Commitment to priorities planning and infrastructure initiatives supporting the development.

Invest Canberra has advised GWS that the proposal requires further information to be provided as below:

- The proposal does not clearly outline the scope and scale of the proposed development i.e. how many rooms the accommodation will have, what star rating, and what other businesses will occupy the site.
- The proposal will need to strongly outline the business case and benefits to the ACT, including other user groups and community stakeholders.
- GWS will need to clarify the lease options over specific portions of the site. In particular the Government will need to know what happens if GWS falls over and needs to sell off the site. What contingency plan will be put in place to ensure the Government has control of the site should something like this happen.
- Finally the presentation will need to specify National Capital Authority (NCA) implications to be considered. There are elements around Manuka Oval that are controlled by NCA and not the ACT Government which could possibly be implicated in the development.

GWS will provide this information should you agree to the presentation taking place.

Consultation

N/A.

Financial

N/A.

Risks/ Sensitivities

Potential risks/sensitivities have been identified by GWS in their IPG Submission (see Attachment A).

Media

N/A.

Recommendations

That you:

- note the contents of this brief and the IPG proposal by GWS; and

  NOTED/PLEASE DISCUSS

- agree to a presentation by GWS on their proposal.

  AGREED/NOT AGREED/PLEASE DISCUSS

(It is already scheduled for 19 Feb.)

David Saunderson

Extension: x70112

[redacted]

David Dawes...4/2/15

MINUTE

ACT Government
Chief Minister, Treasury and Economic Development

Date	25/2/2015	TRIM No: 15/464 File No:
To	Director-General, Economic Development • Deputy Director-General, Arts, Business, Events, Sport and Tourism • Deputy Director-General, Land Development and Corporate • Executive Director, Innovation Trade and Investment	
From	Senior Manager, Invest Canberra	
Subject	GWS Giants Investment Proposal Guidelines for Manuka Oval – Progress to Phase 2	

Critical date and reason

Nil

Purpose

To provide you with a letter (Attachment A) to advise GWS Giants of the ACT Government's agreement to progress the Manuka Oval Redevelopment Concept Submission to Investment Proposal Guidelines (IPG) Phase 2 – Detailed Business Case.

Background

GWS Giants provided a Concept Submission to Invest Canberra on 19 December 2014 proposing for the ACT Government to partner with GWS Giants and a private sector partner/s to upgrade and redevelop the Manuka Oval Precinct into a financially sustainable, world class stadium.

On 19 February, as per Phase 1 of the IPG process, Mr David Matthews delivered a presentation of GWS Giants' Concept Submission to you and other ACT Government representatives, which was followed by questions and answers.

After the presentation, you indicated satisfaction with the Concept Submission and agreed for GWS Giants to proceed to Phase 2 of the IPG process – to develop a Detailed Business Case leading to a Government decision whether to proceed with the proposal.

Issues

Your decision to progress to Phase 2 of the IPG process will be communicated to GWS Giants in a letter signed by you.

GWS Giants has requested 'exclusive negotiation' on its investment proposal. We recommend that the decision whether to grant 'exclusive negotiation' be made in conjunction with the Government's consideration regarding the Detailed Business Case to be submitted in Phase 2 of the IPG process.

Consultation

Nil

Financial

Nil

Risks/ Sensitivities

Potential risks/sensitivities have been identified by GWS Giants on page 5 of their original Concept Submission (Attachment B).

Media

Nil

Recommendation

That you:

- Note the contents of this Minute

NOTED/PLEASE DISCUSS

- Sign the attached letter to GWS Giants

AGREED/NOT AGREED/PLEASE DISCUSS

Chris Horsburgh

Action Officer: Daniel Chan

Extension: x72569

David Dawes.. / /

ACT Government
Chief Minister, Treasury and Economic Development

Our ref: BM15/464
Your ref:

Mr David Matthews
Chief Executive Officer
Great Western Sydney Giants
PO Box 7112
Silverwater NSW 2128

Re: Investment Proposal Submission and Presentation

Dear David

Thank you for providing us with a presentation of the Great Western Sydney Giants' investment proposal regarding Manuka Oval redevelopment.

I would like to acknowledge your proposal and advise you that I have agreed to progress to Phase 2, where you are invited to develop a detailed business case on your proposal.

In Phase 2 of the Investment Proposal Guidelines, an Assessment Panel will be established and it will negotiate a non-binding Participation Agreement with GWS Giants.

An initial meeting will be scheduled between yourself and the Assessment Panel prior to the establishment of a non-binding Participation Agreement, and I expect that this meeting will give you the opportunity to raise any questions regarding your business case.

I have asked David Saunderson from Invest Canberra to make contact with you to provide advice on the next steps and the approximate timeframes in Phase 2.

Your request for 'exclusive negotiation' on the investment proposal will be considered in conjunction with your detailed business case.

Yours sincerely

David Dawes
Director-General
Economic Development

27 February 2015

From: Saunderson, David
To: Stewart, Daniel; Rake, Gary; Murray, PeterR; Miners, Stephen
Subject: Assessment Panel for GWS Investment Proposal Guideliens Submission - Manuka Oval
Date: Monday, 30 March 2015 2:25:48 PM
Attachments: Unsolicited Bid Proposal.pdf
GIANTS Manuka Green Dicussion document 19 2 15.pdf
image001.jpg

Good Afternoon Gents,

The Director-General David Dawes would like to invite you to each be a part of the Assessment Panel for the Phase 2 Business Plan from GWS for Manuka Oval.

GWS have indicated they will take approximately 180 days (6 Months) to prepare and submit their business plan.

However the first step of Phase 2 is to establish a non binding participation agreement with GWS, which requires an initial meeting between GWS and the Assessment Panel so that the key objectives of the participation agreement can be established.

Can you first please confirm your availability to participate in the Assessment Panel, and I will then come back to you with dates for the initial meeting.

Kind Regards

David Saunderson
Investment Facilitation Manager I InvestCanberra

T +61 2 6207 0112 I M + 61 0438 418 316
Level 2, Telstra House, 490 Northbourne Avenue, Dickson ACT 2602
GPO Box 158 Canberra ACT 2601
E david.saunderson@act.gov.au
EDS_INV_CBR_CMYK

From: Saunderson, David
To: Rake, Gary; Lopa, Liz; Miners, Stephen; Murray, PeterR; Richard Griffiths
Subject: Meeting with GWS and Assessment Panel
Date: Thursday, 7 May 2015 9:23:28 AM
Attachments: Investment Proposal Guidelines - Meeting with Assessment Panel- AGENDA.doc
image001.jpg

Hello,

Please see attached the agenda for this morning's meeting.

Please disregard the previous agenda, as it had an incorrect starting time of 10.30am

The meeting commences at 10.00am. My apologies

David Saunderson
Investment Facilitation & ACT Programs Manager I InvestCanberra

T +61 2 6207 0112 I M + 61 0438 418 316
Chief Minister, Treasury and Economic Development Directorate | **ACT Government**
Nara Centre, 1 Constitution Avenue, Canberra City| GPO Box 158 Canberra ACT 2601 Australia|
E david.saunderson@act.gov.au
EDS_INV_CBR_CMYK

Investment Proposal Guidelines – GWS Manuka Oval Proposal

Phase 2 Meeting - 7th May 2015

10.00AM – 11.0 0AM

LDA Boardroom, Level 6, TransACT Building

AGENDA:

- Welcome and Introduction
- Objective of IPG Phase 2
- ACT Government Questions
- GWS Questions
- Timeframe for Business Case
- Public Announcement
- Non-Binding Participation Agreement

Attendees: (ACT Government) - Gary Rake, Liz Lopa, Peter Murray, Stephen Miners, David Saunderson. (GWS) - Peter Taylor, Richard Griffiths, Michael Costello, Pierre Heutter.

Apologies: Dan Stewart

From:	Rake, Gary
To:	Miners, Stephen; Murray, PeterR; Lopa, Liz
Subject:	FW: Talking points
Date:	Thursday, 7 May 2015 10:24:00 AM
Attachments:	image001.png GWS Manuka Green Phase 2 talking points.docx

---

GWS draft TPs...

From: Pierre Huetter [mailto:pierre@dowseprojects.com.au]
Sent: Friday, 1 May 2015 10:11 AM
To: Rake, Gary; 'simon.gorr@afl.com.au'
Cc: 'Richard Griffiths'; John Dowse
Subject: Talking points

Gary/Simon
As foreshadowed, here are the proposed talking points on the GWS proposal.
Regards
Pierre

cid:image001.png@01CFC14C.DDFF8720

GIANTS Manuka Green

Proposed talking points

Rationale

The GIANTS should avoid, as far as possible, making any announcements or discussing any aspects of the proposal before all the work of Phase 2 is done.

Any public discussion of partially formed plans will trigger a public debate based on fear of loss of amenity, rather than a considered debate on a holistic urban renewal proposal.

Therefore the GIANTS should only engage in discussion of elements of the proposal once it can provide to the public the proposal in its entirety.

The best time for any discussion of the proposal would be at the end of phase 2 when the proposal is fully developed and the proposal contains answers to whatever questions may arise during the development of the proposal.

Talking points – up until detailed business case is submitted to Government (September 15)

- The GIANTS AFL club is looking to establish a permanent home in Canberra.
- The GIANTS are preparing a detailed proposal for the ACT Government. It is an 'unsolicited bid'.
- The proposal is very exciting because, if successful, it will allow the GIANTS to have a permanent home in Canberra.
- It will also provide the ACT some great opportunities to attract elite sport and sports tourism to the ACT, with associated economic and social benefits.
- We can't talk about the proposal because it is still being developed.

Talking points – after detailed business case is submitted to Government (after September 15)

- The GIANTS have submitted a detailed proposal to the ACT Government.
- The proposal is very exciting because, if successful, it will allow the GIANTS to have a permanent home in Canberra.
- It will also provide the ACT some great opportunities to attract elite sport and sports tourism to the ACT, with associated economic and social benefits.
- Any questions about the Government process for considering the proposal should be directed to the ACT Government.
- The GIANTS won't make any comment until the Government has considered the proposal.

Talking points – If the Government announces the proposal

- The GIANTS have submitted a detailed proposal to the ACT Government.
- Any questions about the Government process for considering the proposal should be directed to the ACT Government.
- The GIANTS won't make any comment until the Government has considered the proposal.

Preferred public announcement timing

- Once the Government has made a decision on whether or not to proceed to phase 3, media responses would have to be coordinated ***at that time based on the decision***.

From: Pierre Huetter
To: Lopa, Liz
Cc: Rake, Gary; M.Elkins@tveact.com.au
Subject: Manuka Oval operational information request
Date: Tuesday, 12 May 2015 10:45:00 AM
Attachments: image001.png
SKMBT_C284e15051211400.pdf

Liz

As foreshadowed, we would be grateful if we could get hold of some operational information for Manuka Oval to inform our Phase 2 proposal.

By way of background, we spoke to Gary about this a few weeks back and he put me onto Liz Clarke. In her absence I met briefly with Matt Elkins and foreshadowed this more formal request. See attached.

Thanks
Pierre

cid:image001.png@01CFC14C.DDFF8720

Cooyong Centre
1 – 3 Torrens Street
BRADDON ACT 2612

PO Box 109
CIVIC SQUARE ACT 2608

PH: 02 6162 0185
FAX: 02 6162 0189

ABN 72 146 989 255
ACN 146 989 255

Ms Liz Lopa
CMTEDD
ACT Government
Liz.Lopa@act.gov.au

12 May 2015

GIANTS Manuka Green Unsolicited Bid Proposal

Dear Ms Lopa

As you are aware, Dowse Projects on behalf of the GWS GIANTS, is currently managing the preparation of an unsolicited bid proposal relating to the Manuka Oval precinct.

Since we are in Phase 2 of the process and preparing a detailed business case to put to Government, it would assist us in preparing an accurate business case if we could be provided with the following operational information for Manuka Oval:

- Profit and loss (operating) statement for Manuka Oval for each of the last 3 financial years and an estimated statement for the year ending 30 June 2015
- A list of assets, cost and current book value of the assets
- Copies of any reports and or analysis of the current state of assets
- A summary of revenue and costs and crowd numbers for each AFL and major cricket event held at Manuka oval over the last three years
- General details of any contractual arrangements for Manuka oval, such as catering, ticketing and management/maintenance including expiry dates; and
- Any other operational information that the Government feels will assist our understanding of Manuka Oval's operations.

We accept that there may be limits on what information the Government can currently provide. But I note that the better we understand Manuka Oval's operational position now, the less double handling will be required by both parties in a possible future due diligence period.

Kind regards

[redacted]

From:	Pierre Huetter
To:	Saunderson, David
Cc:	Watts, Michaela
Subject:	RE: Case Manager for GWS Manuka Oval Business Plan
Date:	Wednesday, 13 May 2015 10:30:44 AM
Attachments:	image001.jpg

Thanks David. Great.

Hi Michaela. We should probably grab a coffee so I can give you a full briefing? Let me know.

thanks
P

From: Saunderson, David [mailto:David.Saunderson@act.gov.au]
Sent: Wednesday, 13 May 2015 10:26 AM
To: Pierre Huetter
Cc: Richard Griffiths; Watts, Michaela
Subject: Case Manager for GWS Manuka Oval Business Plan

Hi Pierre,

Michaela Watts from the Office of the Coordinator General will be your Case Manger for the GWS Manuka Oval Business Plan.

You can contact her on :

Title	Senior Project Manager
Location	Level 6 TransACT House, 470 Northbourne Ave, Dickson ACT 2602 Click to view the Map
Address	GPO Box 158, Canberra City, ACT 2601
Telephone	(02) 6207 1831
Fax	(02) 6207 0123
Email	Michaela.Watts@act.gov.au

Cheers

David Saunderson
Investment Facilitation & ACT Programs Manager I InvestCanberra

T +61 2 6207 0112 I M + 61 0438 418 316
Chief Minister, Treasury and Economic Development Directorate | **ACT Government**
Nara Centre, 1 Constitution Avenue, Canberra City| GPO Box 158 Canberra ACT 2601 Australia|
E david.saunderson@act.gov.au
EDS_INV_CBR_CMYK

From: Pierre Huetter
To: Lopa, Liz; Saunderson, David; Watts, Michaela; Rake, Gary
Subject: GIANTS Manuka Green media holding statement
Date: Friday, 26 June 2015 11:45:58 AM
Attachments: image001.png
GWS Giants holding statement - Manuka Green.docx

Colleagues

Please find attached for your information the GIANTS' 'holding statement' in case news of the unsolicited bid proposal makes its way into the public realm.

Let me stress again the GIANTS do not intend to release any information to the public at this stage.

The GIANTS and the project team do hope to put to you its plans for announcing the proposal and community consultation at the scheduled meeting with you on 23 July.

Thanks
Pierre

cid:image001.png@01CFC14C.DDFF8720

Giants holding statement – Manuka Green Project

The Giants look forward to ongoing discussions with the ACT Government and engaging with local stakeholders on how we may be able to participate in delivering a range of community, economic and sporting benefits to the ACT community through improvements to Manuka Oval.

Manuka Oval is a significant part of Canberra with a long sporting history. It's upgrading as a broad-based sports and mixed use precinct with improved facilities would clearly benefit the local community and the ACT economy, as well as enhancing Canberra's national and international sporting links.

The Giants continue to maintain our long-term commitment to the ACT and to our members and fans, underpinned by four home games a year in Canberra, community programs and a range of talent pathways for ACT athletes.

For background briefing

- In 2009 the ACT Government announced its aspiration to develop a master plan for Manuka Oval that would guide the oval's future transformation into a broad-based entertainment venue, with improved facilities for sporting events and the local community.

- The Giants understand that over the next year the ACT Government will undertake a Territory Plan Variation to enable the Master Plan and that community consultation will take place as part of this Variation.

- The Giants have been in discussions with the ACT Government about how it can support the Manuka Oval Master Plan in a way that provides mutual benefits to the local community, the ACT economy and the Giants.

- In late 2014, the Giants submitted an unsolicited proposal to the ACT Government about upgrading Manuka Oval to attract more high profile events across multiple sporting codes and provide a permanent second home for the Giants.

- The Giants are currently developing a detailed proposal for Manuka Oval as per Phase 2 of the ACT Government's Guidelines for Unsolicited Proposals.

- Were the proposal to gain the support of the ACT Government, the Giants would undertake extensive consultations with the local community to better understand their needs and interests. This would include residents, businesses, schools, community groups, and all existing users of Manuka Oval.

- Improvements to Manuka Oval would primarily provide significant flow-on benefits to the local community and the ACT economy and attract more high profile events across multiple sporting codes in addition to providing a permanent second home for the Giants.

From: Pierre Huetter
To: Watts, Michaela; Lopa, Liz; Rake, Gary; Saunderson, David
Cc: james.avery@gwsgiants.com.au; richard.griffiths@gwsgiants.com.au; Michael Gottsche
Subject: Giants media issues
Date: Sunday, 28 June 2015 10:54:35 AM
Attachments: image001.png

Colleagues

I'm having a couple of weeks school holiday leave. I'll be on VM and email but I thought I would leave you a couple of contacts in case any media issues to do with the Giants' proposal pop up in that period (I don't think they will).

thanks
Pierre

David Lamont (Dowse Projects)
Richard Stevens (Dowse Projects)
Richard Griffiths (GIANTS)
James Avery (GIANTS comms)
Michael Gottsche (Elton Consulting)

cid:image001.png@01CFC14C.DDFF8720

From: Pierre Huetter
To: Saunderson, David
Subject: RE: PHase 2 submission
Date: Tuesday, 15 September 2015 10:17:54 AM
Attachments: image001.jpg
image002.png

Great thank mate.

From: Saunderson, David [mailto:David.Saunderson@act.gov.au]
Sent: Tuesday, 15 September 2015 10:17 AM
To: Pierre Huetter <pierre@dowseprojects.com.au>
Subject: RE: PHase 2 submission

Hi Pierre,

We only need 1 hard copy, the rest can be emailed (if possible).

Just send to me, and I can distribute them amongst the panel.

Cheers

David Saunderson
Investment Facilitation & ACT Programs Manager I InvestCanberra

T +61 2 6207 0112 I M + 61 0438 418 316
Chief Minister, Treasury and Economic Development Directorate | **ACT Government**
Nara Centre, 1 Constitution Avenue, Canberra City| GPO Box 158 Canberra ACT 2601 Australia|
E david.saunderson@act.gov.au

EDS_INV_CBR_CMYK

From: Pierre Huetter [mailto:pierre@dowseprojects.com.au]
Sent: Tuesday, 15 September 2015 10:08 AM
To: Saunderson, David
Subject: PHase 2 submission

G'day David

We're just preparing our phase 2 submission.

Just wondering if there are any specific formatting requirements? Required number of copies?
And where do we actually deliver them?

Thanks
Pierre

cid:image001.png@01CFC14C.DDFF8720

From: Pierre Huetter
To: Kobus, Jonathan; Kalleske, Sarah
Cc: Saunderson, David
Subject: Re: Meeting coordination
Date: Wednesday, 6 January 2016 10:51:15 AM
Attachments: image001.jpg

Hi Sarah

Giants are having a phone hook up today. So I'll be able to get back to you with some dates later today.

Thanks

Pierre

Sent from Surface

From: Jonathan.Kobus@act.gov.au
Sent: Tuesday, 5 January 2016 4:58 PM
To: Kalleske, Sarah
Cc: Saunderson, David, Pierre Huetter

Hi Sarah

As discussed....

Can you please assist with coordinating a meeting for – *Giants Manuka Oval redevelopment plan, Unsolicited Proposal presentation to ACT Government* .

Venue can be LDA Board Room , L6 Transact House

Meeting needs to involve the following people

David Dawes
Dorte Eklund
Gary Byles
David Nicol
Ben Ponton
Gary Rake
Liz Lopa
Jeff House
Liz Clarke

The key contact from the Giants / Proponent is Pierre Heutter. I have sent a note to Pierre asking his availability preference. 14 Jan was preferred, however probably too tight now. Late Jan would be better. Pierre will need to invite people his side that reside interstate.

Pierre can be contacted on or pierre@dowseprojects.com.au. David Saunderson knows Pierre so will be able to assist if needed.

Thank you

Jonathan Kobus| Senior Manager, Invest Canberra
Phone +61 (02) **6205 3185**| Mobile +61 418 499 297|investcanberra.com
Chief Minister, Treasury and Economic Development Directorate | **ACT Government**
Nara Centre, 1 Constitution Avenue, Canberra City| GPO Box 158 Canberra ACT 2601 Australia|

EDS_INV_CBR_CMYK

From: [Pierre Huetter]
To: [Kobus, Jonathan]
Subject: Manuka Green presentation
Date: Monday, 22 February 2016 11:17:53 AM
Attachments: image001.png

Jonathon

Here's the presentation from last week for your colleagues. Let me know if it doesn't work.

https://www.dropbox.com/s/rmi18max47omltg/Manuka%20Green%20Presentation%207-2-16.pdf?dl=0

thanks
Pierre

a1

MINUTE

ACT Government
Chief Minister, Treasury and Economic Development

Date	11/3/16	TRIM No: BM16/619 File No:
To	Director-General, Economic Development	
From	Investment Facilitation Manager	
Subject	Next Steps for Manuka Oval Investment Proposal Guidelines submission by GWS	

Critical date and reason

1. No critical date.

Background

2. The ACT Government has received an unsolicited proposal from the GWS Giants seeking to revitalise Manuka Oval and the surrounding precinct.
3. The $800 million proposal, if approved as presented, would be funded by the GWS Giants, and has been received under the Investment Proposal Guidelines process administered through Invest Canberra.
4. As the Government has just received the final submission, we are yet to form a position on the proposal and will take the time to consider it carefully and apply the necessary due diligence.
5. As with all major development proposals, there are many considerations to take into account. This includes community support and feedback which is why the community consultation phase is very important.
6. Protection of urban green corridors and spaces within the Territory together with places of heritage value are important to the people of the ACT and the Government.
7. The ACT Government will carefully consider whether this proposal delivers the best return for the community and whether it will have the support of the community to proceed.
8. The ACT Government is also conscious of the interests of other users of Manuka Oval, notably cricket, and these interests will be taken into account through this process.

Issues

9. On 13 November 2015 the GWS Giants submitted its detailed business plan for the development at Manuka Oval.

10. The document is 356 pages long and provides an extensive level of information, which now needs to be assessed by the ACT Government.
11. On 18 February 2016 the GWS Giants in partnership with its developer, John Dowse Projects, provided a follow-up presentation to ACT Government senior executives.
12. Following this presentation Invest Canberra Senior Manager Mr Jonathan Kobus advised senior executives that the next step for the proposal would be to form two working groups to assess the GWS business plan and address any issues arising from the business plan.
13. However, since that communication to senior executives, Invest Canberra has consulted with Office of the Coordinator-General Director Ms Liz Lopa, and both have agreed that an assessment of the business plan needs to be undertaken prior to the formation of the working groups.
14. The reason for this change is primarily that the assessment of the 356 page business plan will require an extensive amount of time and effort, which the working groups may not be able to provide in a short timeframe.

[redacted]

16. Invest Canberra recommends that a review of the GWS business plan for Manuka Oval be undertaken as the next step.
17. If agreed, Invest Canberra will notify GWS Giants on the proposed way forward and seek to engage the services of a suitable external consultant to review the business plan as soon as possible.

Consultation

18. Invest Canberra has consulted with the Office of the Coordinator General in the Land Development Authority.

Financial

19. The cost of the review is estimated between $25,000 and $50,000

Risks/ Sensitivities

20. N/A

Media

21. N/A

Recommendations

That you:

- Agree to a review of the GWS Giants business plan by an external consultant.

David Dawes..   /   /

AGREED/NOT AGREED/NOTED/PLEASE DISCUSS

Action Officer: David Saunderson

Phone: X70112

→ ITI
Discussed further with Jonathan K.
Yukon

ACT Government
Chief Minister, Treasury and Economic Development

TRIM No: BM16/619

Date	18/3/16
To	Director-General, Economic Development [redacted] • Deputy Director-General, Arts, Business, Events, Sport and Tourism
From	Executive Director, Innovation, Trade and Investment
Subject	Next Steps for Manuka Oval Investment Proposal Guidelines submission by Greater Western Sydney (GWS) Giants

Critical date and reason

1. No critical date.

Background

2. The ACT Government has received an unsolicited proposal from the GWS Giants seeking to revitalise Manuka Oval and the surrounding precinct.
3. The $800 million proposal, if approved as presented, would be funded by the GWS Giants, and has been received under the Investment Proposal Guidelines process administered through Invest Canberra.
4. As the Government has just received the final submission, we are yet to form a position on the proposal and will take the time to consider it carefully and apply the necessary due diligence.
5. As with all major development proposals, there are many considerations to take into account. This includes community support and feedback which is why the community consultation phase is very important.
6. Protection of urban green corridors and spaces within the Territory together with places of heritage value are important to the people of the ACT and the Government.
7. The ACT Government will carefully consider whether this proposal delivers the best return for the community and whether it will have the support of the community to proceed.
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[redacted]

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Consultation

18. Invest Canberra has consulted with the Office of the Coordinator General in the Land Development Agency.

Financial

19. The cost of the review is estimated between $25,000 and $50,000.

Risks/ Sensitivities

20. Nil response

Media

21. Nil response

Recommendations

That you:

- Agree to a review of the GWS Giants business plan by an external consultant.

Action Officer: David Saunderson

Phone: X70112

[redacted]

***David Dawes*..** 23/3/16

AGREED/NOT AGREED/NOTED/PLEASE DISCUSS

We need a review.
I think we should
ask for a quote from 3
consultants – I understand
names have been provided.
Please engage ASAP.

From: Pierre Huetter
To: Saunderson, David
Cc: Kobus, Jonathan
Subject: Request for access to Manuka Pool
Date: Wednesday, 30 March 2016 11:42:11 AM
Attachments: image001.png

G'day David

As you're aware we are currently undertaking public consultation on the Manuka Green proposal. You might also be aware that some concerns have been raised about the pool or loss of amenity at the pool.

As part of that consultation we would like to take some footage in and around the pool site so we are properly able to articulate what our plans are. Obviously in the hope that we can provide very detailed information (in words and pictures) to the community members we speak to.

Grateful if you could assist us in getting access to the pool. Early next week would probably be ideal if possible.

Let me know if I need to do anything.

Thanks
Pierre

cid:image001.png@01D17ECA.921D6AB0

ACT Government

Goods and Services
REQUEST FOR QUOTE under $200,000

REQUEST FOR QUOTE INFORMATION

The Territory as represented by the Chief Minister, Treasury and Economic Development would like to invite insert supplier's name to respond to this request for quotation (RFQ).

This RFQ comprises:

- Schedule 1 – Statement of Requirement
- Schedule 2 – Supplier Quotation
- Schedule 3 – Special Conditions (if any)
- Attachment A – RFQ Definitions
- The Territory's Standard Terms and Conditions of Quotation located on the Tenders ACT website.

SCHEDULE 1 – STATEMENT OF REQUIREMENT

RFQ Title:	**Insert RFQ Title**	**RFQ Number (if applicable)**	Insert RFQ Number
Directorate:	Chief Minister, Treasury and Economic Development	Section/Business Unit: Innovation, Trade & Investment	Invest Canberra
Date Issued:	31/03/2016	Closing Date:	08/04/2016
Referees Requested:	No	Closing Time:	Insert RFQ closing time
Territory Contact Officer:	For all matters relating to this RFQ contact: **David Saunderson 02 62070112**	Supplies Required by:	30/06/2016
Lodgement method:	Quotations should be lodged with **David Saunderson – Email david.saunderson@act.gov.au** by the closing time and closing date specified above. **Please note:** due to system restrictions responses cannot exceed one file and 3MB.		
Questions	Any questions relating to this RFQ should be address to David Saunderson and emailed to david.saunderson@act.gov.au		

The Requirement

Item	Details
Description of Requirement:	To submit a proposal to review the GIANTS Manuka Green detailed business plan as part of their unsolicited bid proposal and provide advice on it consistency with the ACT Governments – Investment Proposal Guidelines, and Manuka Oval Master Plan
Background Information:	• Copy of the unsolicited bid – detailed business plan • ACT Governments – Investment Proposal Guidelines
Delivery Information:	Email to David Saunderson by 8th April 2016
Standards and Best Practice:	Insert any applicable standards e.g. chairs may be required to comply with certain OH&S standards or reports may need to be provided in a particular format.

SCHEDULE 2 – QUOTATION

Respondent's Details

Full legal name:	Insert your full legal or company name.
Registered office or postal address:	Insert your registered office address or postal address.
ACN/ARBN (if applicable):	Insert your ACN or ARBN if applicable.
ABN (if applicable):	Insert your ABN if applicable.

Contact Officer

For all matters relating to this RFQ, including any notices, the Respondent's contact officer will be:

Name or position title:	Insert the name or position title of the contact officer.
Work:	Insert the work contact number for the contact officer.
Mobile:	Insert a contact mobile number if applicable.
Email:	Insert an email address for the contact officer.

This Request for Quotation will be assessed against the following Assessment Criteria.

- An independent assessment of the GIANTS Proposal against the Investment Proposal Guidelines and the Manuka Oval Masterplan 2016.
- Provide comment on the financial feasibility of the proposal in its current form, including the identification of development and timeframe risks, offsite infrastructure risks and impact(positive and negative) on surrounding amenity.
- Determine whether the proposal meets the public interest, public value and feasibility tests. . *(Does this include economic benefit to the Territory, noting other options for disposal may also have a similar economic benefit?)*
- Review and summarise the key elements of the GIANTS proposal – Identify and define key elements of their proposal and where possible potential alternate options (including delivery of the Master Plan and sale of individual leases or an Englobo sale by the LDA on behalf of the Territory).
- Develop an options analysis framework
- Conduct options analysis
- Summary of options analysis
- Risk assessment of proposal
- Conduct working group sessions with an ACT Government working group
- Provide final independent assessment – presentation to the ACT Government Senior Executive

IMPORTANT: The ACT Government is committed to providing regional Small to Medium Enterprises (SMEs) with opportunities to win business. Consideration will be made in the evaluation process to SME's and to suppliers who demonstrate that they will sub-contract to SMEs.

Evaluation of your quote will be based on value for money (e.g. capacity, capability and price) and will include consideration of your business status (i.e. SME). When completing this RFQ ensure your response covers these areas.

Insert your description of how you will meet the Territory's requirements as set out in Schedule 1. Include details of products/services and your capacity to deliver against the requirements.

Prices for Goods

Make sure you include the following for each product required:

- Item number
- Item description
- Quantity required
- Unit price excluding GST
- Unit price GST component
- Total Price

Also include an overall total price including GST.

Prices for Services

Make sure you include the following for each service requirement:

- Task
- Milestone deliverable (if applicable)
- Milestone delivery date (if applicable)
- Payment schedule excluding GST
- Payment schedule GST component
- Payment schedule including GST

Also include the total costs broken down into:

- Total GST Exclusive
- Total GST
- Total GST inclusive

Insurance Details

The Supplier must effect and maintain, for the Term, all insurances required to be effected by it by law and the following insurances:

- **Public liability insurance in the amount of $10 million in the aggregate**
- **Product liability insurance in the amount of $10 million in the aggregate**
- **Professional indemnity insurance in the amount of $10 million in the aggregate**

If required by the Territory, the Supplier must provide evidence of the above insurance.

Specified Personnel (delete of not applicable)

Note: Rate's must be in Australian dollars, and include any duty payable.

Make sure you include the following information for each specified personnel:

- Name
- Position or Role
- Rate excluding GST
- Rate including GST
- Anticipated time
- Total of person
- Current level of security clearance

Also include the total costs for all personnel broken down into:

- Total GST Exclusive
- Total GST
- Total GST inclusive

Subcontractors (delete if not applicable)

Make sure you include the following information for each subcontractor:

- Legal name and ABN/ACN
- Scope of work to be subcontracted and technical specifications
- Fees and associated expenses excluding GST
- Fees and associated expenses including GST

Referees (delete if not applicable)

If referees have been requested in Schedule 1 make sure you provide the following information for each referee:

- Name
- Position/Company
- Phone Number
- Email Address

SCHEDULE 3 – SPECIAL CONDITIONS OF QUOTATION

For many requirements it will not be necessary to specify any special conditions. However, some directorates have developed a range of special conditions (e.g. directorate specific security requirements).

Insert any additional information here if applicable.

RESPONDENT DECLARATION

I/We quote to provide the Supplies described in the RFQ at the GST inclusive prices specified in the Quotation.

I/We undertake to provide evidence of insurance policies if selected as the preferred Respondent prior to entering into a contract with the Territory.

I/We declare I/We have sighted and agree to the Territory's Standard Terms and Conditions of Quotation (located on the Tenders ACT website), and any Special Conditions of RFQ at Schedule 3.

I/We declare that all information required by the General Conditions of RFQ has been included in our Quotation.

Prior to signing ensure you have the legal authority to be a signatory for this quote.

NB: physical signatures are not required for this document. Complete the information and return electronically to the email address provided in Schedule 1.

Signatory's Full Printed Name:	Insert your full name.	Signatory's Title/Position:	Insert you position or title.
Signatory's Phone Number:	Insert your phone number, including area code.	Signatory's email address:	Insert your email address.
Date:	Click here to enter a date.		

ATTACHMENT A - DEFINITIONS

The following definitions apply to this RFQ:

Assessment Criteria	the criteria by which a quotation will be evaluated, set out in Schedule 2 – Quotation.
Quotation	means a quotation lodged by a respondent in response to an RFQ.
Respondent	means the legal entity that submits a quotation.
Supplies	means the goods, services or goods and services specified in Schedule 1 of this RFQ, and includes all incidental goods and services that are reasonably necessary to allow the Territory to use and understand the supplies to their full benefit.
Territory	when used in a geographical sense, means the Australia Capital Territory, when used in any other sense, the body politic established under the *Australian Capital Territory (Self-Government) Act 1988* (Cth).

INVEST CANBERRA

INVESTMENT PROPOSAL GUIDELINES FOR INVESTORS

(Non-Public Infrastructure and Business Opportunities)

ACT Government

CANBERRA

Contents

These guidelines may be updated from time-to-time reflecting the results of consultation or reviews following applications and projects governed by these guidelines.
Enquiries about this publication should be directed to:
Senior Manager, Invest Canberra
Economic Development Directorate
Australian Capital Territory Government

Glossary of Key Terms

Concept Submission: A submission which outlines at a concept level, the scope, timeframe, risks and costs of the proposal for ACT Government support. It also should include a detailed estimate of the costs and timeframe to develop a Detailed Business Case.

ACT Government Support: Government support can take various forms. The provision of ACT Government *'business as usual' activities and facilitation services* does not fall within the definition of government support for the purpose of the Guidelines.

ACTPS Integrity Policy: The ACTPS Integrity Policy is designed to protect public money and property, protect the integrity, security and reputation of the public sector agencies while maintaining a high level of service to the community and private sector. It sets out that ACT Government Officials should perform their functions with the highest integrity, not abuse their office; and protect public money and property appropriately.

Detailed Business Case: A submission which details the scale, scope, timeframe, risks and costs of the proposal for ACT Government support.

Developer's Fee: A fee paid to the proponent reflecting the time, cost and intellectual property transferred in the development of the Detailed Business Case.

Exclusive Negotiation: A process whereby the proponent and ACT Government agree on the scope, timeframe and government support for a proposal.

Swiss-Challenge Tender Process: A competitive tender process where the proponent has an opportunity to match the best value-for-money proposal tendered as part of the competitive process.

Investment Proposal Guidelines

The ACT Government welcomes investment in Canberra from local and international investors. The ACT Government's procurements of goods, services and works are conducted in accordance with its procurement legislation. In addition, the ACT Government recognises that there are further investment opportunities for which the ideas, capital and 'know-how' sit wholly with-in the private sector–where ACT Government engagement and support may be required to facilitate this investment. The Investment Proposal Guidelines for Investors (**the Guidelines**) are intended to provide practical guidance to investors who wish to initiate such a proposal for consideration by Government.

Scope

The scope of the Guidelines covers business activities that are owned and operated by the private sector. The nature of the support provided the ACT Government can take a number of forms. Note that the Guidelines exclude public infrastructure delivered through public-private partnerships as part of the Partnerships Framework[1].

Planned procurements or other projects that are already approved or are in the planning stage by the ACT Government will not be considered under these Guidelines.

Principles

The ACT Government has adopted seven general principles to support decision-making throughout any process of engagement undertaken under these Guidelines. These are to:

1. Encourage unique and innovative opportunities and ideas from the private sector that provide economic development opportunities for the ACT;
2. Ensure that decisions deliver public value from an economic, social and environmental perspective;
3. Ensure that the process is not used as an avenue to circumvent existing ACT Government processes;
4. Balance rewarding genuinely unique and innovative proposals against what might otherwise be achieved through an open procurement process;
5. Focus primarily on ideas that align with current ACT Government strategic priorities, but recognise that there may be opportunities to realise value beyond the current focus of Government;
6. Recognise that the management of proposals requires timeliness and due diligence; and
7. Demonstrate integrity in the management of commercially sensitive information through the appropriate actions of ACT Government Officials.

Process

The Guidelines contain a three phase process, which aims to: provide a timely decision on the ACT Government's intent to proceed with a detailed consideration of the investment proposal, and opportunity to jointly develop the proposal and conduct a procurement process with integrity and based upon an appropriate level of due diligence. A summary of the proposal process is included at Appendix A – Process Summary.

[1] *The Partnerships Framework – Guidelines for Unsolicited Proposals for Public Infrastructure and Public-Private Partnerships* refers.

Phase 1–Concept Submission

Objective: Provide a timely decision on the ACT Government's intent to proceed with a detailed consideration of the investment proposal.

Proponent activities

- Prepare and lodge a concept submission using the template available at Appendix B – Application Form. Submissions should be sent to: investcanberra@act.gov.au
- Consider whether sufficient information is available to support an application for 'exclusive negotiation' at the concept submission stage (if not defer any request until phase 2)
- Respond to any requests for additional information in respect of the application
- Present the proposal to the Director General of the Economic Development Directorate (EDD) or delegate and relevant officials and any advisors as agreed. A one hour presentation by the proponent, including question and answer, is envisaged.

Invest Canberra activities

- Promptly acknowledge submission and nominate a Case Manager to provide a point-of-contact for the proponent
- Undertake a preliminary screening to confirm eligibility or alternative Government pathway
- Initiate requests for any additional information required to support a decision
- Bring together relevant Government stakeholders for early engagement with the project
- Appoint any advisors as required[2] taking consideration of the complexity and scale of the proposal
- Prepare a recommendation to the Director General of EDD on whether the project should proceed to phase 2
- Facilitate a timely decision by the Director General of EDD
- Facilitate consideration by the ACT Government of any early request for 'exclusive negotiation'
- Communicate the outcome of Government decision(s)

Phase 2–Detailed Business Case

Objective: Develop the Detailed Business Case leading to a Government decision whether to proceed with the proposal

Proponent activities

- Negotiate and enter into a non-binding Participation Agreement
- Attend establishment meeting
- Develop the Detailed Business Case. The Detailed Business Case will address the assessment criteria and cover the project scope, cost, financial, technical, risks, environmental; and social, details. The full scope will be agreed as part of the participation agreement.
- Provide project updates
- Present outcome of Detailed Business Case

Invest Canberra activities

- Issue notification about the nature of the project, and commencement of phase 2, to the public and potentially relevant third parties (unless exceptional circumstances apply)
- Develop the Participation Agreement
- Convene the Assessment Panel

---

[2] The appointment of probity advisors will provide independent assurance that the procurement process and/or commercial relationship is conducted transparently and with due diligence.

- Appoint advisors (as required)
- Provide ongoing engagement with proponent
- Coordinate and provide advice to the ACT Government on the proposal
- Facilitate a timely Government decision on Detailed Business Case and preferred commercial relationship option. The procurement options are discussed at Appendix C– Commercial Relationship Options.
- Communicate the ACT Government's decision

Phase 3–Commercial Relationship

Objective: Progress the relevant commercial relationship option in a timely manner with an appropriate level of integrity and due diligence.

Proponent activities

- Participate in a negotiation process and submit a binding offer under an 'exclusive negotiation; or
- Participate in a competitive 'Swiss Tender' process; or
- Conclude participation agreement and receive the developer's fee

The procurement options are detailed further in Appendix C– Commercial Relationship Options.

Invest Canberra activities

- Effect a handover to the responsible ACT Government agency where appropriate to administer the preferred commercial relationship option

Responsible ACT Government Agency

- Progresses the commercial relationship with due diligence and integrity.

Roles, Responsibilities and Agreements

Invest Canberra

Invest Canberra will take the lead role in receipt and coordination of the consideration of investor proposals.

Proponent

The proponent makes an application under phase 1; enters into a participation agreement and develops a Detailed Business Case in phase 2; and participates as required in the procurement during phase 3.

Affected Directorates and Government Stakeholders

Invest Canberra will involve other Directorates as required throughout the process.

Assessment Panel

At the commencement of phase 2 an assessment panel will be formed and a decision made as to whether or not a Probity Advisor is appointed to the panel. Assessment Panels will be chaired by the Director-General of EDD or delegate and comprise of senior executive representatives from the Chief Minister and Treasury Directorate (Infrastructure, Finance and Advisory Division) and all other relevant directorates. The Chairs of Assessment Panels may also invite independent members (that is, non-public servants) to Panels to provide specialist expertise if appropriate. An Assessment Panel will negotiate a Participation Agreement with the proponent.

Advisors

Advisors may provide expert advice to Invest Canberra, the Assessment Panel and the Government regarding the proposal and the management of the application process. Advisors may provide a range of services.

Participation Agreement

The Participation Agreement will include:

- details of the topics to be covered in the Detailed Business Case to be submitted by the proponent;
- arrangements for communication and the provision of information between the Government and the proponent in relation to the proposal, including any commercially sensitive material;
- project-specific measures in relation to the assessment criteria;
- the scope of any potential 'developer fee';
- a timeframe for the completion of Phase 2;
- risk management identification and strategies; and
- any other relevant matters.

Probity Plan

Invest Canberra will coordinate a probity plan with advice from the ACT Government Solicitor. The probity plan will outline the Government's proposed commitment to and approach for participating in phase 2 of the project.

Assessment Criteria

1. Public Interest: The proposal must align with the ACT Government's strategic economic, social, and environmental policy objectives.
2. Public Value: The proposal must represent value-for-money, in that the proposal is an effective and efficient use of support or facilitation provided by the Government.
3. Feasibility: The proposal is believed to be practically achievable.

Procurement Options

The ACT Government will consider three different procurement options for the delivery of the project. The three procurement options include: Exclusive Negotiation; 'Swiss Challenge' Tender Process; and Developer fee. These options and the rationale for their use are described at Appendix C– Commercial Relationship Options.

Probity

The ACT Government Officials will conduct its dealings with proponents with integrity in line with the relevant ACT Public Service policies. The evaluation of any investment proposal must be fair and demonstrate the highest levels of probity, consistent with the public interest. The following probity principles will be applied throughout the three-phase process:

- Uphold professional integrity;
- Maintain impartiality;
- Maintain accountability and transparency;
- Avoid conflicts of interest; and
- Maintain confidentiality.

Application

Proponents intending on making a submission are encouraged to contact Invest Canberra to discuss their proposal. In order to submit a formal application for consideration, applicants should use the application form provided at Appendix B – Application Form.

The ACT Government will treat a Proponent's claim for commercial in confidence material in confidence and in accordance with ACT Government Treatment of Confidential Information Policy and any dealings with a Proponent's application and submission will only be in accordance with the Copyright Act (Commonwealth) 1968 and any other relevant Intellectual Property Regime.

To ensure that the ACT Government and Directorate can appropriately assess and examine the Application and Submission, the Proponent will grant the ACT Government a non-exclusive licence to assist the Directorate and its staff on a need to know basis, the right to reproduce and communicate the material only for the purposes of examining and assessing the Application and Submission.

Disclaimer about public information

Applicants should note that the ACT Government operates under a policy that favours making available to the public information surrounding its commercial dealings. This may include making available details of contractual arrangements between the ACT Government and private citizens or organisations. The applicant should be aware that:

- The ACT Government may be required to disclose information, either under the *Freedom of Information Act 1989*, or by the responsible Minister in the ACT Legislative Assembly.
- The *Government Procurement Act 2001* (Act) provides for the publication, as far as possible, of notifiable Territory contracts, including agreements, over $25,000 to which a Territory entity is a party, within 21 days of contract establishment.

Contact

For further information about this guideline please contact Invest Canberra.

Call: 13 22 81 Email: investcanberra@act.gov.au Online: investcanberra.com

Appendix A – Process Summary

Phase 1
Objective: Provide a timely decision on the ACT Government's intent to proceed with detailed consideration of the investor proposal

Approval to Stage 2

Phase 2
Objective: Develop the Detailed Business Case leading to a Government decision whether to proceed with the proposal

Approval to Stage 3

Phase 3
Objective: Develop commercial relationship

Government approval to contract delivery of the project

Key Steps: Phase 1

Proponent

- Lodge the concept submission
- Provide additional information (as required)
- Proposal presentation
- Response to requests for additional information

Invest Canberra

- Acknowledge submission and nominate a Case Manager and
- Preliminary Assessment and providing requests for additional information
- Preparing a recommendation to the Director General of EDD
- Appoint advisors (as required)
- Facilitate a timely decision
- Communicate the ACT Government 's decision

Key Steps: Phase 2

Jointly

- Negotiate a Participation Agreement, including funding options

Proponent

- Attend establishment meeting
- Develop the Detailed Business Case
- Provide project updates
- Present outcome of Detailed Business Case

Invest Canberra

- Public notification of Stage 2 commencement (as required)
- Convene the Assessment Panel
- Appoint advisors (as required)
- Provide ongoing engagement with proponent
- Facilitate a timely Government decision on Detailed Business Case and preferred delivery option (if required)
- Communicate the ACT Government's decision

Key Steps: Phase 3

Proponent

- Participate in a negotiation process and submit a binding offer under an 'exclusive negotiation; or
- Participate in a competitive 'Swiss Tender' process; or
- Conclude participation agreement and receive the developer's fee

Invest Canberra and Responsible ACT Government Agency

- Invest Canberra effect a handover to the responsible ACT Government agency to administer the preferred commercial relationship method
- Responsible ACT Government Agency develops the project framework and the commercial relationship

Appendix B – Application Form

Proposal Overview	
Proposal Title	
Proposal Summary (approx 200 words)	
Nature of Government support sought	
Date of submission	
Organisational Details	
Registered Trading Name	
Australian Business Number	
Website	
Primary Contact	
Name	
Phone Number	
Address	
Email	
Proposal Details	
Objective	Outline the objective of the proposal
Detailed Description	Describe in detail the project proposal
Unique elements	What are the unique elements of the proposal that would provide justification for Government entering into direct negotiations with the Proponent? Unique elements may include characteristics such as: Intellectual property or genuinely innovative ideas • Ownership of real property • Ownership of software or technology offering a unique benefit • Unique financial arrangements • Unique ability to deliver strategic outcome • Other demonstrably unique elements
Project Ownership and Management Structure	Who has ownership and management control over which each aspect of the project
Government support sought	The nature of the support requested from the ACT Government. This may include legislative/regulatory amendments, finance or the use of Government assets, facilities, equipment, materials, personnel, resources and land.
Benefits of the proposal to the ACT	Identify the benefits to the ACT region and if relevant, the Australian economy.
Overall project cost	Identify an indicative costs estimate for the overall project
Commercial details	Explain the financial and commercial proposition
Project timeframe estimate	Identify a broad timeline for the development of the project
Project risks	Outline the project risks for the project

Relevant organisation experience	Previous experience in delivery and/or operation of similar projects
Relevant personnel experience	Where key personnel are required for the project, outline their experience and qualifications relevant to the project
Intellectual property	Detail the nature and scope of intellectual property claimed within the submission and generally within the proposed project. Identify items requiring commercial confidence.
Probity	Identify any perceived or actual conflicts of interest
Environmental impacts	Identify if the project would be subject any specific environmental consideration.
Previous approaches to Government.	Detail any previous approaches to the ACT Government regarding this or similar project(s).
Proposal duration	Outline any specific time issues/constraints/urgency that applies to this proposal.
Detailed Business Case Estimates	
Detailed Business Case Cost	Identify a detailed cost proposal breakdown for the development of the Detailed Business Case.
Timeframe	Detail the timeframe for the development of the Detailed Business Case.
Risks	Detail the project risks during the development of the Detailed Business Case
Exclusive Negotiations	
Justification	Applications for exclusive negotiations may be made at phase 1 or phase 2. Detailed supporting information is required to support an application at phase 1. Not making an application for exclusive negotiations at phase 1 will not detract from the opportunity for exclusive negotiations at phase 2. Detailed information to support an application should address the following issues: • the uniqueness (refer unique elements above) proposal and what the proponent proposes to contribute to the ACT; • the capacity of the proponent to deliver the proposal, including relative to other entities; • whether a competitive process would deliver optimal public value; and • the comparative time efficiencies of different procurement options.

This proposal is to be signed by a representative of the proponent authorised to represent and contractually bind the proponent.

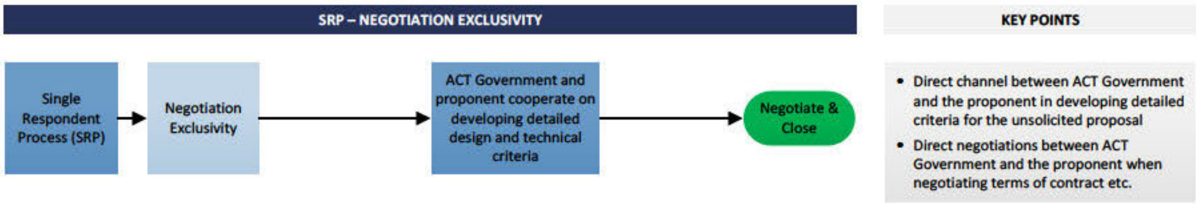
Name: ____________________________

Position: ___________________________

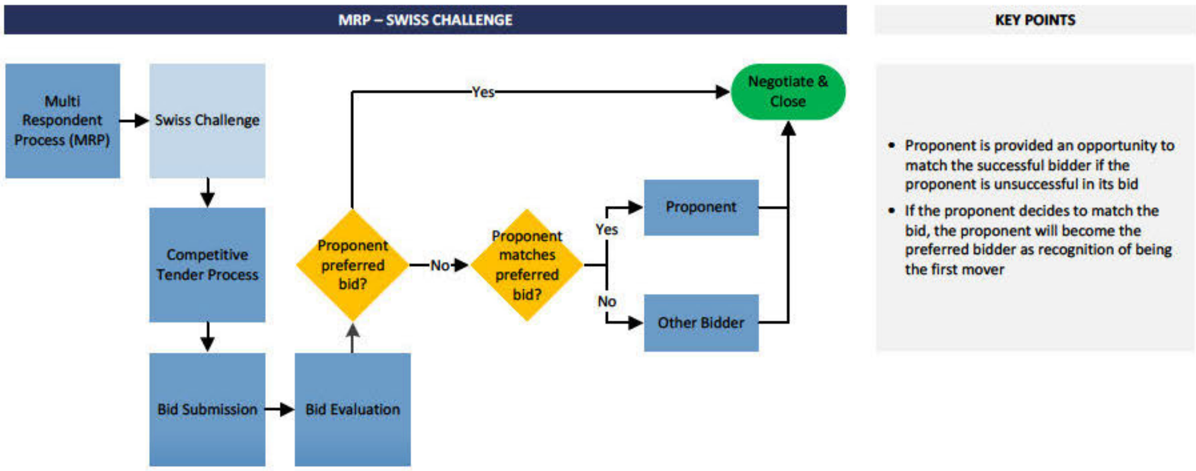
Signature: __________________________

Appendix C– Commercial Relationship Options[3]

Model	Description	Applicability and Notes
Exclusive Negotiation	Following Phase 2, the Government and proponent will enter into exclusive contractual negotiations.	• Preferred where the proponent holds relatively unique resources, including potentially in terms of scale.

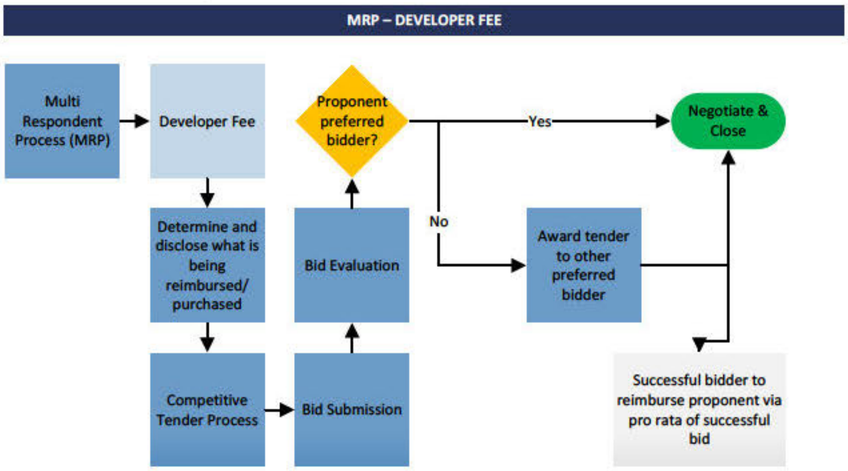


Model	Description	Applicability and Notes
'Swiss Challenge' Tender Process	Following the Phase 2 assessment process, an open tender process is conducted. If unsuccessful, the original proponent has the option to match the Government's preferred tender and proceed with the proposal.	• Preferred where multiple firms could potentially undertake the proposed investment. • This model offers a reward to proponents for their work in initially developing a proposal and a prime opportunity to deliver the project.



[3] This description of the three approaches reflects the approaches contained within the ACT Government Partnerships Framework Unsolicited Bids Policy.

Developer Fee (and Open Tender)	Within parameters agreed within a proposal's Phase 2 Participation Agreement, certain of the proponent's costs are reimbursed by the Government who will then offer the government support in question through an open tender process.	• Preferred where a proponent is assessed as not having the capacity to undertake the proposed business activity. • This model offers a return to proponents for their work in initially developing a proposal.



KEY POINTS

- As recognition of being the first mover, the proponent will be compensated via a pro rata in the event of being unsuccessful by the successful bidder
- ACT Government will need to determine and disclose what the proponent should be compensated for in the event of an unsuccessful bid
- This could be reimbursement for cost of developing bid or cost of developing intellectual property
- The unsolicited proposal total estimated investment should provide an idea to the degree of compensation/reimbursement
- It can be expected that other bidders will accommodate the pro rata rate into their bid submissions