

Request for Proposals: SII Evolve

Guide for social impact investment proposals and assessment

Proposals must be submitted on <https://tenders.nsw.gov.au>

by 10:00am AEST on 12 October 2018

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Contact officer details

Proponents should refer requests for information or advice regarding this RFP to:

EMAIL ADDRESS socialimpactinvestment@dpc.nsw.gov.au

Any information given to a proponent to clarify any aspect of this RFP will also be given to all other proponents if, in the opinion of the Office of Social Impact Investment, it would be unfair not to do so.

1. Introduction

1.1 Purpose of this document

The purpose of this document is to:

- outline the background to the RFP
- inform proponents of what needs to be included in the submission
- set out the evaluation criteria that submissions will be assessed against
- explain the SII Evolve process and timeframe for evaluating proposals and selecting preferred proponent(s) to proceed to the co-development and joint development phases.

1.2 Policy context

Social impact investment seeks to generate social impact alongside financial return

Delivering better services and results for the people of NSW is a key priority for the NSW Government. When it comes to tackling our most pressing social issues, we recognise that Government cannot solve them alone. Social impact investment is an emerging approach to tackle social challenges that brings together capital and expertise from the public, private and not-for-profit sectors to achieve a social objective.

Investments can be made into companies, organisations or funds, whether they be not-for-profit or for-profit, to generate a measurable, beneficial social impact alongside a financial return. Social impact investments can also be used to finance social services and social infrastructure.

As part of the Social Impact Investment Policy, the NSW Government aims to deliver two investments to market each year

On 4 February 2015, the NSW Government launched its [Social Impact Investment Policy](#) (the policy). The policy builds on the success of the NSW Government's social benefit bonds and sets out the NSW Government's aim to support the broader social impact investment market in NSW, and across Australia. A key action in the policy is the intention to deliver two new social impact investments to the market each year.

The NSW Government has now implemented six social impact investments, and negotiations for a further SII is in progress

Since 2013, the NSW Government has implemented six social impact investments:

- the Newpin social benefit bond: expands an intensive, therapeutic support program delivered by Uniting to safely restore children in out-of-home care to their birth families

- the Benevolent Society social benefit bond: delivers the Resilient Families Service, which aims to prevent at-risk children from entering out-of-home care
- the On TRACC social impact investment: delivers intensive support programs to help parolees successfully reintegrate into the community, and reduce levels of re-offending
- the Resolve social benefit bond: seeks to improve the wellbeing of mental health patients, including reducing their use of hospital services
- the Silver Chain social impact investment: provides specialist palliative support for patients in their home and/or community
- the Foyer51 social benefit bond: will support vulnerable young people who have exited out-of-home care to develop the skills to lead independent and fulfilling lives.

The NSW Government continues to develop other investments including one focused on vulnerable young people to reduce youth unemployment. Approaches to market have also been made for SII opportunities in homelessness and Aboriginal economic development.

The Office of Social Impact Investment (OSII) on behalf of the NSW Government is seeking innovative partnerships that will invest in earlier intervention to improve social outcomes in complex issues areas

By supporting and harnessing innovations and resources from the non-Government sectors, we can deliver better outcomes for the most vulnerable people in our community.

Four key attributes underpin the NSW Government's Social Impact Investment policy:

- Outcomes focus: measuring and paying for outcomes
- Innovation: removing input controls for services to allow service improvements in response to what works
- Investment: shifting spending away from high cost acute services to prevention
- Partnerships: collaborating and sharing risks and benefits across government and non-government sectors.

OSII seeks to deliver a range of social investment models in NSW

It is important to note that social impact investments are not limited to social benefit bonds. To date, we have delivered three social benefit bonds, and two payments by results arrangements.

The NSW Government encourages proposals for various investment models that involve risk sharing among participants. While NSW Government payments must be linked to the achievement of outcomes, we note that there are a range of complementary funding models and approaches such as social enterprise and philanthropy. In addition to social benefit bonds and payment by results contracts, we are also open to incentive payments, layered and pooled investments or other innovative funding models.

Refer to the [policy](#) for further details on a range of models.

1.3 Introducing SII Evolve

OSII is building on lessons learnt to deliver investments in a more streamlined way

OSII has recently changed its approach to Request for Proposals (RFP). In response to market feedback, current RFPs are solely focused on a priority issue area. This is different to how the process worked previously where OSII was also open to receiving SII proposals in a diverse range of priority issue areas.

OSII has re-designed how SII ideas in other policy and service areas are considered

A new initiative is being trialled in 2018 to enable proponents and government to co-develop SII ideas in other policy areas. The new program – SII Evolve – is a complementary stream to OSII’s issue-specific RFP process and allows non-government sector participants to approach OSII with innovative SII ideas.

SII Evolve seeks to provide a collaborative and supportive environment to develop SII proposals that align with government priorities and inform future areas to target that will improve lives of vulnerable people in NSW.

Selected proposals will be tested, designed and progressed collaboratively with OSII and the relevant government agency.

2. The SII Evolve process

SII Evolve is a staged approach to progress viable proposals to Joint Development Phase

OSII is trialling a gated process designed to encourage non-government sector participants to approach OSII with innovative SII ideas. This process will occur separate to the conventional RFP processes and initially involve simplified and shortened submission requirements.

Selected organisations will be provided an opportunity to work with OSII to explore their ideas and refine their proposal, before a formal proposal and development phase. SII Evolve will enable rapid feedback and help progress high potential SII ideas to proposals.

As SII Evolve occurs outside the traditional RFP process, it is important to note that there is no funding committed from the outset. Funding arrangements will be determined through the co-development and joint development stages.

OSII provides a range of services to support proponents to submit an SII proposal

OSII provides engagement opportunities and support for potential proponents. This includes:

- hosting capacity-building workshops
- holding market briefings
- meeting with potential proponents to provide general advice on the SII opportunity
- providing and maintaining an online resource library
- launching online modules.

These resources will support proponents to develop capacity for SII and in preparing their responses to the RFP. Market briefing and engagement opportunities will be communicated through OSII's mailing list and website. Sign up to the mailing list [here](#) or visit our [website](#).

2.1 Stages of SII Evolve

The process for co-developing and implementing a social impact investment with the NSW Government is set out below and will involve a number of stages. Indicative timings are outlined below. These are included to support proponent understanding of process timeframe but should be treated as a guide only. The speed at which successful proposals progress through these stages will be guided by a number of factors, including alignment to agency priorities and available funding/resources.

Stage 1: Initial concept review stage

Objective: proponents lodge their proposals by way of submission and the NSW Government conducts assessments to shortlist proposals.

The proponent's role:

- Submit 5-page proposal in accordance with the submission requirements and the evaluation criteria
- Respond to any requests for further information by way of explanation or clarification of proposal.

The NSW Government's role:

- OSII and relevant government agencies conduct initial assessment of proposals against evaluation criteria
- Notifies outcome of assessments to all proponents
- Provides feedback to unsuccessful proponents
- Contacts proponents during the assessment process to clarify elements of proposals and/or seek further information by way of explanation or clarification.

Timing: ~6 weeks

Outcomes: Proponents will either be:

- successful and progressed to stage 2
- unsuccessful, with the NSW Government, through OSII, providing feedback (written and/or in person) and potentially offering to refer the proponent to alternate contracting pathways (if appropriate).

Stage 2: Co-development of proposal

Objective: proponents enter co-development sessions.

The proponent's role:

- Enter into a co-development agreement with the NSW Government, through its relevant agency, which will outline the scope of the co-development process and address any issues around confidential, intellectual property or related matters.
- Participate in regular workshops to develop proposal including defining the referral process, refining the service, and developing the financial model

The NSW Government's role:

- Through OSII, facilitates co-development sessions with proponents and relevant NSW Government agencies to develop proposals
- Enables opportunities for proponents to connect with external intermediaries or advisors to obtain legal, financial, technical or other advice (if appropriate)

- Provides continuous feedback to proponents on any risks or concerns, and guidance on SII requirements
- Explores funding opportunities for viable proposals.

Timing: ~2 – 3 months

Outcomes: a detailed proposal is developed from the co-development sessions ready for formal evaluation.

Stage 3: Evaluation of detailed proposal

Objective: detailed proposal/s are evaluated to determine if to proceed to the joint development phase.

The proponent's role:

- Document detailed proposal and provide such clarification and information as may be required to enable evaluation of the detailed proposal
- Present proposal to cross-agency evaluation panel (the panel).

The NSW Government's role:

- Through OSII, arranges for the SII Steering Committee to establish the panel to undertake assessment of the detailed proposal/s based on evaluation criteria and determine recommendation
- Through OSII, prepares papers and submits recommendation from panel to the SII Steering Committee.

Timing: ~1 month

Outcomes: the detailed proposal is determined by Steering Committee as either being:

- suitable and the proponent/s is invited to enter into a JDP with the NSW Government, through its relevant agency
- not suitable to progress further and feedback is provided with available next steps/pathways.

Stage 4: Joint Development Phase

Objective: detailed proposal refined to a level suitable for contracting and to proceed to implementation.

The proponent's role:

- Enters into a Joint Development Phase agreement with the NSW Government, addressing matters such as negotiation, intellectual property and dispute resolution. The [sample JDP agreement](#) is available on the OSII website and should be considered by proponents before submitting a proposal

- Collaborates with the development of an investment structure
- Negotiates terms and conditions of the Implementation Agreement
- Meets any costs, losses or expenses incurred by proponents during the processes, including but not limited to expenses incurred by the proponent in preparing and submitting its proposal(s), attending meetings and providing further information, or engaging advisors.

The NSW Government's role:

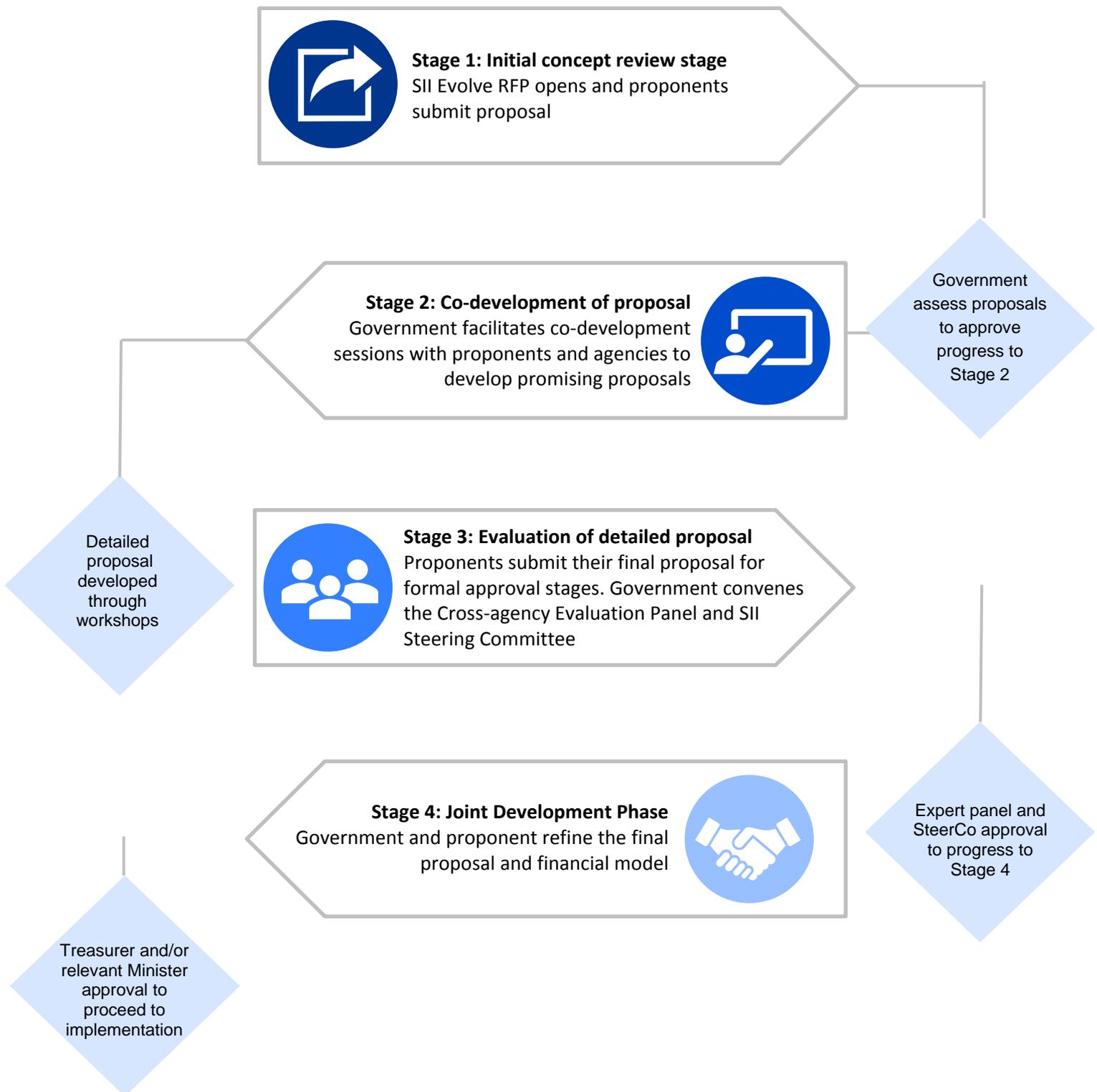
- Through OSII, leads Joint Development Phase to refine detailed proposal
- Through OSII, finalises capital raising and collaborates in the development of an investment structure
- Through OSII and the relevant NSW Government agency, negotiates the terms and conditions of the Implementation Agreement
- Through OSII, evaluate the final proposal against the evaluation criteria of the RFP and recommend to the Steering Committee whether to proceed with implementation, including execution of the Implementation Agreement as negotiated
- Through OSII, if approved by the Steering Committee, seeks authorisation from Treasurer and/or relevant Minister to proceed to implementation, including execution of the Implementation Agreement as negotiated.

Timing: ~3 - 6 months

Outcome: An Implementation Agreement is entered into between proponent and NSW Government, through its relevant agency.

2.2 Process diagram

Figure 1:



2.3 Implementation Agreement

The terms and conditions of the Implementation Agreement will be negotiated with the preferred proponent as part of the JDP. The Implementation Agreement is expected to include:

- details of the target cohort, including location and referral arrangements
- contract duration and any extension provisions
- ownership of intellectual property from the transaction
- details of targets, comparison groups if appropriate, and other measurement arrangements
- payment triggers
- a payment schedule covering performance scenarios (expected, below expected, good performance and over-performance)
- allocation of risk between parties to the investment
- dispute resolution provisions including a mechanism to resolve client issues
- break clauses for all parties
- any options for re-contracting at the conclusion of the contract term
- details of any evaluation.

The relevant NSW Government agency will enter into the Implementation Agreement with the preferred proponent if the proposal is approved by the Treasurer and/or relevant Minister. A sample JDP Agreement and Implementation Agreement, along with other sample legal documents that may be needed for social impact investments with the NSW Government, are available on the [Office of Social Impact Investment website](#). The NSW Government envisages that any negotiation in relation to the terms of these documents will be limited.

Note: Selection as a preferred proponent through the RFP process to progress through the co-development and JDP stages is not a guarantee of proceeding to an Implementation Agreement.

The likely social impact and value for money of proposed investments will be crucial in determining whether to proceed with implementation. Proposals must represent an effective use of public funds, relative to other non-social impact investment funding options available to the NSW Government for the same improvement in outcomes.

2.4 Governance of the SII development process

The proposal process will be overseen by a Steering Committee of senior officers from the Department of Premier and Cabinet, the NSW Treasury and relevant NSW Government agencies ('line agencies').

The Steering Committee will appoint the evaluation panel to assess detailed proposals developed through the co-development phase. The panel will assess the detailed

proposals against the evaluation criteria set out in this document (Refer to [Section 4](#)). During the assessment process, the panel may ask proponents to clarify aspects of their proposal or provide more information. The panel may also contact other government agencies to verify a proponent's capability (i.e. reference checks).

The panel will then submit an evaluation report to the Steering Committee, which may recommend that one or more proposals should proceed to a joint development phase. Subject to the progress of the joint development phase, the Steering Committee may then recommend to the Treasurer and/or relevant Minister that the NSW Government, through its relevant agency, enter into an Implementation Agreement with one or more proponents.

3. Submission requirements

3.1 Eligibility requirements

Proposals must be submitted by a legal entity (or entities in the case of a joint proposal or consortia) with the capacity to contract. Where there is a joint proposal, references to a proponent or preferred proponent should include all parties to the proposal.

The NSW Government will only enter into an agreement with an entity that has an Australian Business Number (ABN) and is registered for GST. Proponents must state their ABN and GST status in their proposals.

A proponent may submit more than one proposal, and each proposal will be considered independently. Intermediaries and consultants are permitted to be party to more than one proposal, provided there are adequate processes in place to manage conflicts of interest.

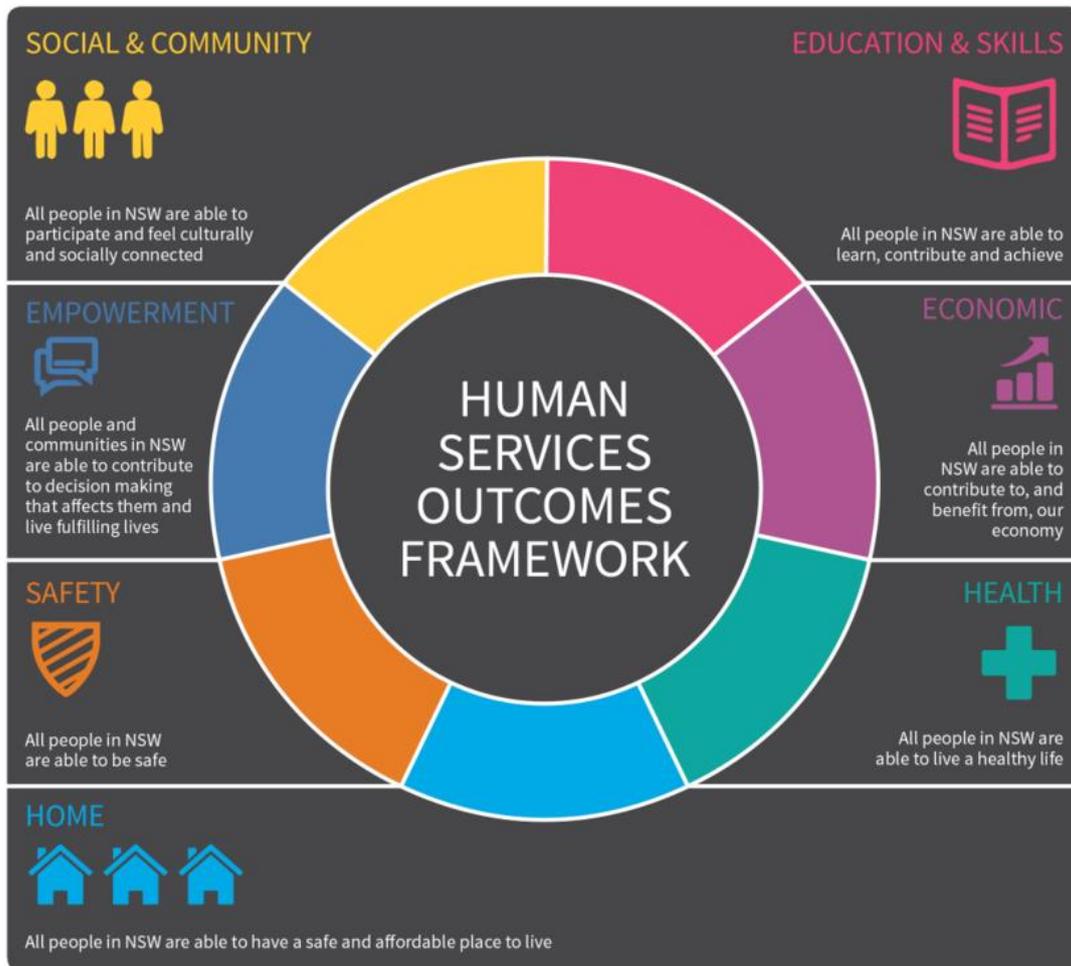
3.2 SII Evolve proposal submission

Proposals must respond to the following submission questions in **5 A4 pages or less**. The minimum font size is 11. The recommended font type is Arial and line spacing is single.

Organisation name:		Business address:	
ABN:			
Legal entity:		Type of organisation:	<i>GST status of the organisation</i>
Contact person(s):	<i>Nominated contact person for the proposal</i>	Date of submission:	
1. What problem do you want to address?			
<p><i>Supporting questions/guidance:</i></p> <ul style="list-style-type: none"> • What is the social issue that you are responding to? • Describe the current state of the social issue? • Who is the target cohort? <p><i>Evaluation criteria:</i> social impact</p>			
2. How do you think you can address it?			
<p><i>Supporting questions/guidance:</i></p> <ul style="list-style-type: none"> • What does the evidence say is the best way to respond to the issue? • What is the proposed intervention to be delivered? • What activities or services will you provide? • How will the intervention group be referred to the program? 			

<ul style="list-style-type: none"> • How many people could be in the intervention group over the life of the project? • What skills/ experience does your organisation bring to successfully deliver this proposal? <p><i>Evaluation criteria:</i> innovative service delivery model; team and capability</p>
<p>3. Who can help you with your idea?</p>
<p><i>Supporting questions/guidance:</i></p> <ul style="list-style-type: none"> • How does the proposed program complement existing services or fill existing service gaps? • What services/partnerships are pre-existing and what will be developed as part of this proposal? • Which government departments (Local, State and Commonwealth) should be involved? <p><i>Evaluation criteria:</i> team and capability; additionality and potential to scale</p>
<p>4. What are the intended outcomes?</p>
<p><i>Supporting questions/guidance:</i></p> <ul style="list-style-type: none"> • What outcomes does your intervention seek to achieve? Refer to the Human Service Outcomes Framework (HSOF), illustrated by Figure 2 below and supported by the Guide – How to use the HSOF. • What level of change in outcomes do you anticipate achieving? • What evidence is available to support your outcomes targets? <p><i>Evaluation criteria:</i> social impact; value creation for citizens</p>
<p>5. When and where can it happen?</p>
<p><i>Supporting questions/guidance:</i></p> <ul style="list-style-type: none"> • What are the preferred locations/regions where the program will be in operation? • What is the expected timeframe for the proposed service? • If successful as an SII, how could the proposal be scaled in NSW? <p><i>Evaluation criteria:</i> innovative service delivery model; additionality and potential to scale</p>

Figure 2: Human Services Outcomes Framework: Seven Outcome Domains¹



¹ Department of Finance, Services and Innovation 2017, *Human Services Outcomes Framework Guide*, DFSI, Sydney.

3.3 Consent

The philanthropic community has expressed interest in proposals that align with their funding objectives. This includes proposals that are being progressed to the co-development phase and proposals that are not being progressed. Where consent has been provided, OSII will work with Philanthropy Australia to consider potential engagement opportunities with relevant Philanthropy Australia members, where potential funding/partnership opportunities may be explored.

Include in your proposal if you consent to OSII providing your contact details and/or RFP documentation to Philanthropy Australia for this purpose.

About Philanthropy Australia's members:

Philanthropy Australia's membership consists of approximately 800 trusts, foundations, organisations, families, individual donors, professional advisers, intermediaries and not-for-profit organisations.

4. Evaluation

4.1 SII Evolve: Evaluation Criteria

OSII will assess each proposal based on the following criteria:

Criteria	Description	Submission questions	Weighting
Social impact	The proposed service must aim to deliver measurable individual or community social benefits. Proposals need to be clear about what it is trying to achieve, specifically what are the changes, (i.e. the social outcomes) that are desired for the participants and how the proposed service will lead to that change.	1,4	20%
Innovative service delivery model	A unique approach to service delivery or product design that can deliver quality outcomes. This may include the use of behavioural insights, co-design, or data-driven decision-making.	2,5	20%
Team and capability	A strong team or partnership with the knowledge, skills and experience to successfully deliver the proposed service and outcomes.	2,3	20%
Value creation for NSW	The proposal will deliver social and/or economic value. Proposals should include a list of quantifiable and qualitative benefits for project participants and end users, including evidence to support these claims.	4	20%
Additionality and potential to scale	The service addresses an unmet need or targets those not currently accessing services. Proposals should outline any plans to partner with existing local services to maximise effectiveness and minimise duplication, as well as clearly identify the opportunities for the service to be scaled up or replicated across the public sector.	3,5	20%

5. Legal requirements

5.1 Lodgement of proposals

Proposals (including all supporting information, if any) must be fully received by 10:00am AEST on 12 October 2018.

Late proposals will not be considered except where OSII is satisfied that the integrity and competitiveness of the RFP process has not been compromised. OSII will not penalise any proponents whose proposal is received late if the delay is due solely to mishandling by the NSW Government.

5.2 Electronic proposals

All proposals must be submitted electronically on <https://tenders.nsw.gov.au> and will be treated in accordance with the *Electronic Transactions Act 2000* (NSW).

A proponent, by electronically lodging their proposal, is taken to have accepted the conditions shown in the conditions and rules on the [Department of Finance, Services and Innovation \(DFSI\) tenders website](#), and to have accepted the conditions set out in this RFP document.

Signatures are not required but the proponent must ensure that a proposal is authorised by the person or persons who may do so on behalf of the proponent, appropriately identifies the person, and indicates the person's approval of the information communicated.

Electronically submitted proposals may be made corrupt or incomplete, for example, by computer viruses. The NSW Government may decline to consider for acceptance a proposal that cannot be effectively evaluated because it is incomplete or corrupt.

Proponents must note that:

- To reduce the likelihood of viruses, proposals should not include any macros, applets, or executable code or files.
- Electronically submitted files should be free from viruses and should be checked using an up to date virus-checking program before submission.

The NSW Government will not be responsible in any way for any loss, damage or corruption of electronically submitted proposals.

If a proponent experiences any persistent difficulty with the DFSI tenders' website in submitting a proposal or otherwise, they are encouraged to advise the OSII promptly by email to socialimpactinvestment@dpc.nsw.gov.au.

5.3 Extension of closing date and closing time

The NSW Government may, in its absolute discretion, extend the closing date and closing time of this RFP.

If there is an extended defect or failure of the DFSI tenders' website or e-Tendering

system and the NSW Government is advised as indicated above, the closing date and closing time may be extended if the NSW Government is satisfied that the RFP process will not be compromised by such an extension.

5.4 Ownership of proposals

All proposals become the property of the NSW Government on submission. The NSW Government may make copies of the proposals for any purpose related to this RFP.

5.5 Confidentiality

Any information received by the proponent in connection with the RFP, in whatever form it is received, is confidential to the State of NSW and/or of its relevant agencies. The proponent and its personnel must not use or disclose to any person such information, in whole or in part, except to the minimum extent necessary for the purposes of preparing its proposal and, if successful, subsequently developing its proposal. The proponent may disclose such information to a bona fide independent consultant retained by the proponent for the purposes of preparing or submitting their proposal.

Without limitation, the proponent will not in any way publicise that they propose to submit or that they have submitted a proposal or the content of any proposed or submitted proposal in response to this RFP. The proponent and their personnel must not at any stage make any public statement or in any way disclose information about the RFP process or any aspect of that process, including selection for entry into any co-development phase, JDP or Implementation Agreement under this RFP, to any person without the express written permission of the NSW Government.

The restrictions under the above paragraphs do not apply to the extent that:

- the information is generally available to the public (other than as a result of the wrongful disclosure by the proponent)
- the information is required to be disclosed by any law or under the lawful compulsion of any court, tribunal, authority or regulatory body.

Failure to comply with these confidentiality requirements may be taken into account by the NSW Government when considering the proponent's proposal and may result in the proposal being passed over.

5.6 Variations to proposals

At any time after the closing date and closing time, and before the NSW Government accepts any proposal for entry to the co-development phase, a proponent may vary its proposal:

- by providing the NSW Government with further information by way of explanation or clarification but not by way of introducing new information, as noted below
- by correcting a mistake or anomaly
- by documenting agreed changes negotiated.

The above and following will apply again in Stage 3 (See [section 2.1](#)) after a proposal is presented to the Steering Committee and before the NSW Government accepts any proposal for entry into the JDP phase.

Such variations may be made either at the request of the NSW Government or with the consent of the NSW Government at the request of the proponent, but only if:

- in the case of a variation requested by the proponent to provide information by way of explanation or clarification or to correct a mistake or anomaly, it appears to the NSW Government reasonable in the circumstances to allow the proponent to provide the information or correct the mistake or anomaly
- in the case of a variation to document agreed changes negotiated, the NSW Government has confirmed that the draft documented changes reflect what has been agreed.

If a proposal is varied in accordance with the above provisions, the NSW Government will provide all other proponents whose proposals have similar characteristics with the opportunity to vary their proposals in a similar way.

The NSW Government may refuse a request to vary a proposal. Variations will not be permitted if the NSW Government is satisfied that:

- it would substantially alter the original proposal and would give a proponent an unfair advantage over other proponents
- in the case of a variation requested by the proponent to provide information by way of explanation or clarification or to correct a mistake or anomaly, it would result in the revising or expanding of a proposal in a way that would give the proponent an unfair advantage over the other proponents.

5.7 Non-complying proposals

A proposal that does not address the requirements of section 3 ([Submission requirements](#)) above may be considered non-compliant. Before making any determination as to acceptance or rejection of a proposal, OSII (in its role as compliance assessors) may, provided it is satisfied that the integrity and competitiveness of the RFP process has not been compromised, give a proponent of a non-complying proposal the opportunity to rectify any non-compliance.

5.8 Acceptance or rejection of proposals

It is not intended by the NSW Government, and the proponent should not consider, that the issuing of this RFP or a submission of a proposal to it commits, obligates or otherwise creates a legal relationship in respect of entry into a contract with the proponent.

The NSW Government is not bound to select any proposal for participation in the co-development phase, the JDP or for implementation. If the NSW Government rejects all proposals received, it may invite fresh proposals based on the same or different criteria.

Selection of a proposal for participation in the co-development phase will be subject to the issue of a letter of selection to the proponent and entry into a co-development agreement. If successful in proceeding to the next stage, selection of a detailed proposal for participation in the JDP will be subject to the issue of a letter of selection to the preferred proponent and entry into a JDP agreement. Neither entry into a co-development agreement, and if successful, into a JDP agreement must be construed as an indication or representation to the proponent by the NSW Government that the proponent will be selected as a successful proponent and that an Implementation Agreement will be entered into with the proponent to give effect to the social impact investment proposed.

The NSW Government will not, in any circumstances, be responsible for any costs incurred by a proponent arising out of or in connection with the RFP including without limitation:

- in preparing and submitting a proposal
- participating in the co-development phase and if successful in the JDP (including negotiating the terms of the Implementation Agreement)
- not being selected as a successful proponent
- discontinuance of this RFP.

5.9 Communication/Clarification

The NSW Government acknowledges that information gaps may exist, and further information may be required by proponents to develop proposals in response to this RFP. The NSW Government may be able to provide additional information in response to queries about specific proposals. Any such queries should be directed to the OSII by email to socialimpactinvestment@dpc.nsw.gov.au. Requests for additional information must be received before 5pm AEST on 28 September 2018.

Information the OSII can and cannot provide is listed below:

We can:	We can't:
provide general information about social impact investing	develop and implement proposals outside a formal RFP process
provide general information on NSW Government activity and priorities in social impact investing	give detailed advice or feedback on proposals prior to or during a formal RFP process
provide information on RFP processes, timing and requirements	advocate or promote potential proponents or their proposals to other government agencies and market participants.
facilitate contact with other NSW Government agencies and market	

participants	
consider and facilitate information and data requests.	

Any additional information made available in response to a request will also be distributed to all persons who have registered an interest in the RFP (via the DFSI tender's website) and posted at <https://tenders.nsw.gov.au/> for access by all interested parties.

If a question is not of a general nature, but relates to proprietary aspects of a proposal, proponents must identify the question(s) as such. If, in the opinion of the NSW Government, the question is not proprietary in nature, the relevant proponent will be advised and will have the option to withdraw the question(s). If the proponent continues to request a response, the question(s) and the response may be circulated to all recipients of this RFP.

5.10 Ethical conduct

A proponent's proposal may not be considered further if a proponent or any of its officers, employees, agents or subcontractors is found to have:

- offered an inducement or reward to any public servant or employee, agent or subcontractor of the NSW Government in connection with this RFP or the submitted proposal
- committed "corrupt conduct" within the meaning of the [Independent Commission Against Corruption Act 1998 \(NSW\)](#)
- a record or alleged record of unethical behaviour, or not complied with the requirements of the Business Ethics Statement referred to above.

The NSW Government may, but is not required to, invite a relevant proponent to provide written comments within a specified timeframe before the NSW Government excludes the proponent and its proposal on this basis.

Proponents must disclose any conflicts of interests in their proposal.

5.11 Exchange of information between NSW Government agencies

By lodging a proposal, the proponent will authorise the NSW Government to make information available, on request, to any NSW Government agency. This includes information dealing with the proponent's performance on any prior contract that has been awarded. Such information may be used by the recipient NSW Government agency for assessment of the suitability of the proponent for pre-qualification, selective tender lists, expressions of interest or the award of a contract.

The provision of the information by the OSII to any other NSW Government agency is agreed by the proponent to be a communication falling within section 30 of the

Defamation Act 2005 (NSW), and the proponent shall have no claim against the OSII and the State of New South Wales in respect of any matter arising out of the provision or receipt of such information, including any claim for loss to the proponent arising out of the communication.

5.12 Disclosure information

Following the NSW Government's decision, the proponent will be notified in writing of the outcome of their proposal. Details of this proposal and the outcome of the RFP process will be disclosed in accordance with the [Government Information \(Public Access\) Act 2009](#) and the [Premier's Memorandum 2007-01](#) which requires proactive disclosure of information, including information relating to procurement.

5.13 Anti-competitive conduct

Proponents and their representatives must not engage in any anti-competitive conduct or any other similar conduct with any other person in relation to their participation in the tendering process. Any breaches of these requirements may result in a proponent being removed from the RFP process.

5.14 Anti-lobbying, improper interference and solicitation

Proponents and their representatives are prohibited from engaging directly or indirectly in lobbying, improper interference or solicitation of the NSW Government, including but not limited to Ministers, and their advisers, Members of Parliament, public servants and department representatives and NSW Government's advisers with respect to any aspect relating to the proposal process or any activities which are likely to give rise to the perception that they have engaged in lobbying, improper interference or solicitation of the NSW Government or its advisers. Any breaches of these requirements may result in a proponent being removed from the RFP process.

5.15 Discretion of the State (NSW Government)

The state reserves the right at any time and on any grounds to:

- amend the RFP documents
- accept or agree to variation or amendments to a proposal
- re-advertise for new proposals
- terminate at any time further participation in the process by any or all proponents
- amend or terminate the proposal and/or JDP process
- extend the closing date for RFP proposals
- extend the closing date for clarification questions

- require additional information, clarification or further offers from any proponent
- invite one or more proponents for an interview as required
- elect not to select any proponent to proceed to the co-development phase and/or joint development phase
- withdraw the formal RFP process
- take such other action as it considers, in its absolute discretion, appropriate in relation to the tendering process.

The state may, at any time following receipt of proposals, request one or more of the proponents to supply any further information or clarification concerning a proposal which the State considers necessary or desirable.

The state reserves the right to seek clarification, verification and additional information concerning the proposal or the proponent from third parties and the proponent authorises the State to do so.

6. Glossary of terms

Term	Definition
Capacity building	Capacity building refers to the many different types of activities that are designed to improve and enhance an organisation's ability to achieve its mission and sustain itself over time, thereby enhancing the organisation's ability to have a positive impact on lives and communities. SII Evolve will seek to build capacity for organisations to participate in the SII market.
Co-development sessions	Interactive meetings and workshops held between government and proponent representatives with the aim of progressing proposal development.
Cross-agency Evaluation Panel	A panel of Government representatives established to assess an SII Evolve proposal.
Detailed proposal	Proposal developed during co-development sessions by the proponent and Government, to be progressed to Stage 3.
Evaluation criteria	The criteria upon which the SII Evolve proposals will be assessed.
Government	The NSW State Government – in this context referencing OSII and relevant government agencies.
Implementation Agreement	An Implementation Agreement will be negotiated with the preferred proponent as part of the JDP.
JDP	The preferred proponent/s will be invited to enter into a Joint Development Phase (JDP) with the NSW Government. As the contracting entity, the relevant line agency is likely to lead the JDP, with support from OSII. The purpose of the JDP is to develop proposals to a level suitable for contracting. Detailed proposals from the co-development session will form the basis of the JDP.
OSII	The Office of Social Impact Investment is a joint team of the NSW Department of Premier and Cabinet (DPC) and the NSW Treasury. The office has been established as an initiative of

	the NSW Government to work with its partners and facilitate growth in the social impact investment market.
Proponent	The person or organisation that submits a proposal
RFP	Formal requests for social impact investment proposals (RFPs) are made regularly through NSW e-Tendering . Information on current and previous RFPs is can be found on the OSII website .
SII	Social Impact Investments are investments that are intentionally made into organisations that deliver measurable social and/or environmental outcomes alongside financial returns.
Steering Committee (SteerCo)	The steering committee is an interagency governance group that oversees the work of OSII. Chaired by NSW Treasury, the committee includes executives from government agencies.
Submission	The form that needs to be completed by proponents summarising the proposal, to be lodged with OSII.