

# Buyer Alert

**State of Emergency - State Supply Commission policies and centralised purchasing of essential products**

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**Purpose: To provide agencies with advice regarding procurement during the States response to Novel Coronavirus (COVID-19)**

A [State of Emergency](#) was declared in Western Australia, effective 16 March 2020.

Pursuant to the *Emergency Management Act* (2005), the Commissioner of the Western Australia Police Force is the State of Emergency Coordinator (SEC) and is responsible for directing and coordinating the response to the emergency.

## **Application of State Supply Commission policies and Partial Exemptions**

1. **Unless SEC direction in relation to essential products provides otherwise**, the State Supply Commission (SSC) policies and requirements under Partial Exemptions<sup>1</sup> continue to apply during the State of Emergency. Value for money must still be achieved but with consideration to the circumstances. During this period it is noted that:
  - The *Open and Effective Competition* policy allows agencies to not comply with the minimum procurement methods if the agency's Accountable Authority determines this is appropriate. Such circumstances may include responding to an emergency situation or an urgent purchase necessary to prepare for an emergency or disaster. The Accountable Authority is ultimately responsible for ensuring the exemption from the minimum procurement methods is justified in the circumstances.
  - Where there is a mandatory Common Use Arrangement (CUA) as per the SSC *Common Use Arrangements* policy, and a CUA supplier is unable to meet the agency's requirements as a direct result of the COVID-19, the Accountable Authority may choose to exempt themselves from buying from the CUA **unless SEC direction provides otherwise** (see Items 2 to 8 of this Buyers Alert and Attachment A).
  - When executing any contracts or placing any orders, agencies should consider the complexity of the service and or product, appropriateness of terms and conditions or any other relevant factors and take steps to manage risks.
  - An agency must always document their procurement decisions during or as soon as possible after the purchase and should clearly state that the procurement was for emergency purposes. Agencies must retain documents in accordance with the State Records Act and the agency's approved record-keeping plans.
  - Agencies should also check existing contracts and consider how these arrangements may be best managed to support the agency's intended purchasing actions. Legal advice may need to be obtained where necessary.

## **SEC Direction in relation to essential products**

2. The SEC has requested essential products be available to meet the needs of critical clients across the State. At this time, essential products are deemed as products relating

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<sup>1</sup> This Buyer Alert guidance is considered sufficient to address the requirement to have Department of Finance (Finance) involvement and/or seek Department of Finance approval not to buy from a mandatory Common Use Arrangement.

to personal protective equipment (PPE); cleaning products; and sanitisers. These products are listed in Attachment A. This requirement may be extended to other products at the direction of the SEC as and when required.

3. On behalf of the SEC, the Department of Finance (Finance) is seeking to negotiate a single purchase of all available stock of these essential products on behalf of the Western Australian Government. The prioritisation and distribution of these products will be determined by the SEC in consultation with the Chief Health Officer and the Department of Health. This is to ensure that stock is available to critical clients during the State of Emergency in line with the SEC's priorities. Please refer to the [PPE priority list](#) for further information.
4. In accordance with the above SEC directions, Common Use Arrangement (CUA) Contractors responsible for provision of the essential products have been contacted and instructed not to fill any new or existing orders without approval from Finance.

### How to procure essential products

5. With the exception of the Western Australian Health Service Providers, agencies and users approved on the "Approved register of who can buy from Common Use Arrangements" (Approved Users) are advised that, until further notice, they must not procure essential products or place any new CUA orders or request existing CUA Orders for essential products be filled.
6. Agencies are advised not to stockpile goods during the State of Emergency and to procure essential products as and when required only.
7. Agencies who are enquiring about essential products should direct their enquiry to the relevant contact provided below:

| Type of Request  | Contact  |
|--|--|
| Requesting supply of essential products  | Please obtain template from <a href="mailto:GPbusinessanalysis@finance.wa.gov.au">GPbusinessanalysis@finance.wa.gov.au</a> |
| Assistance identifying if the Public Authority's requirement is an 'essential product' | <a href="mailto:PDWSalesReports@finance.wa.gov.au">PDWSalesReports@finance.wa.gov.au</a>                                   |

### Where to direct potential suppliers of essential products

8. Agencies who have knowledge of potential leads of supply of essential products should direct any leads to the relevant contact listed below:

| Type of Lead  | Contact  |
|---|--|
| Leads for PPE or other critical medical goods                 | <a href="mailto:COVID19ProposedProducts@health.wa.gov.au">COVID19ProposedProducts@health.wa.gov.au</a> |
| New or repurposing manufacturing to supply essential products | <a href="mailto:john.ohare@jtsi.wa.gov.au">john.ohare@jtsi.wa.gov.au</a>                               |

### Further Assistance

For further enquiries regarding this please contact State Supply Commission on (08) 6551 1500 or [procurementpractice@finance.wa.gov.au](mailto:procurementpractice@finance.wa.gov.au).

## **Attachment A – Essential Products**

- Long sleeved hospital gowns/medical aprons/isolation gowns (disposable);
- Gloves (disposable);
- Surgical face masks (disposable);
- Face shields (disposable);
- Eye protection (disposable);
- Alcohol based hand rub (hand sanitiser);
- P2/N95 respirator masks (disposable);
- Sheets/Pads for Hospital Trolleys/Beds;
- Disposal sharps containers;
- Footwear covers;
- Emollient hand cream;
- Non-medicated hand wash;
- Facial tissues;
- Cleaning towelettes / wipes; and
- Disinfectant.