***Text Legend*** *Delete this legend before finalising the document*

*Red text is an instruction and should be deleted after reading*

*Blue text should be edited or deleted as required. Change Blue text to Black if keeping*

*Black text should generally be considered as fixed text*

*[Goods/services/works procurement template - Request for Exemption and/or Approval for Western Australian Procurement Rules,as applicable]*

Request for Exemption

**And/or Approval for Western Australian Procurement Rules, as applicable**

|  |  |
| --- | --- |
| Procurement of: | [Details of goods/services/works requirements] |
| Contract term: | [number] months/years, with [number] options to extend, each of [number] month/year duration *[delete options details if no extension options]* |
| Total Estimated Value of Procurement: | $[Value] including GST *[The value is to be for the entire contract term including extension options]* |
| State Agency: | [name of State Agency] |
| Date prepared: | DD Month YYYY |
| Prepared by: | [State Agency officer name] [State Agency officer title] [Email] [Phone number] |

***State Agency obligations***

*For a number of the* [*Western Australian Procurement Rules*](https://www.wa.gov.au/government/multi-step-guides/western-australian-procurement-rules) *(Rules), exemptions and/or approvals are required.*

*An exemption is identified within a Rule by the statement that the decision, as approved by the Authorised Officer, is to be recorded in the State Agency’s exemption register. A State agency must establish and maintain an exemption register (Rule F4) and all exemptions must be recorded in the exemption register.*

*For approvals, the Rule will identify the decision needs to be approved by the Authorised Officer.*

*These decisions are to be recorded in writing and this template can be used to record the justification for the exemption and/or approval decision as well as the Authorised Officer’s approval.*

*Not all exemptions and/or approvals are covered by this template.* *Refer to* [*wa.gov.au*](https://www.wa.gov.au/organisation/department-of-finance/procurement-templates-guides-and-resources) *for copies of the following exemption and approval templates:*

* *Exemptions*
  + *Request for exemption from submission to Relevant Review Committee – [Rules C3 (3) (a) & (b) and D7 (4) (a) & (b) and F7 (2) (b)]*
  + *Requests for an exemption from Project Bank Account requirements – [Rule F9 (2) (b)] are to be requested, in writing, from the Deputy Director General, Advisory Services, Department of Finance*
* *Approvals*
  + *Request for approval of alternative arrangements for not purchasing from a mandatory Common Use Arrangement (CUA) – [Rule C2.2 (b) (i)] – Information on how to request an approval is contained in the* [*Purchase from a CUA or my Agency’s Panel Arrangements Guideline*](https://www.wa.gov.au/government/multi-step-guides/procurement-guidelines/procurement-planning-individual-purchases-guidelines/purchase-cua-or-my-agencys-panel-arrangements-guideline)*.*
  + *Request for approval to establish or vary a Cooperative Procurement Arrangement – [Rule C2.4 (1)]*
  + *Template – Approval of Variations (including extensions past the final expiry date) – [Rules E2.1 and E2.2]*

***Notes***

*Advice and/or approval may be required from the Department of Finance (Finance) for an exemption and/or an approval. Where Finance advice and/or approval is required, this is identified within the Rule.*

*Covered Procurement requirements are not applicable to the excluded Covered Procurement categories listed in Appendix 3 of the Rules or to State Agencies not identified as a Covered State Agency in Appendix 4 of the Rules.*

# Procurement details

*[Provide details of the required goods/services/works accounting for all related goods/services/works requirements, for example: service and maintenance, hardware or software upgrade, training, consumables.]*

The exemption/s *and/or* approval/s *[Edit as required]* identified and justified under section 2 is/are sought for the Procurement of [details of goods/services/works requirements].

*[Provide an indication of the criticality of the Procurement and the impact if not approved]*

The Procurement of [requirement] is important to [State Agency name] as it will [detail how the Procurement will contribute to enhance operational outcomes for the State Agency].

In the event that this request is not approved the operations of [State Agency name] will be impacted as [details on how the State Agency will be negatively affected].

## Contract term

The proposed contract term is [number] months/years. There will be [number] options to extend the term, available at the absolute discretion of the [State Agency name], each option having a [number] month/year duration. *[delete sentence if no extension options]*

*[If the proposed total contract term is longer than 5 years insert the following sentence. If not, please delete.]*A contract term exceeding five (5) years is being proposed, which requires an exemption to be approved. Refer to section 2.1.2 for the justification of the proposed term.

## Total Estimated Value

The Total Estimated Value of the Procurement over the proposed contract term (including all extension options) is $[value] (GST inclusive).

*[Provide an explanation of the basis for the Total Estimated Value e.g. based on existing contract expenditure; market research; budget availability; projected agency demand; any pricing or usage trends.]*

## Availability of funding

The availability of appropriate funding has been confirmed by [State Agency officer name], [State agency officer title].

# Justification

***[Delete the sections below that are not applicable]***

## Exemptions

*[Provide sufficent information to justify the circumstances that necessitate the requirement for the exemption]*

*[Delete and/or edit the following as applicable]*

### Rule C2.2 (b) (ii) – Purchase outside a mandatory CUA in an Emergency Situation

An exemption from the requirement to purchase from a mandatory Common Use Arrangement (CUA) is sought to respond to an Emergency Situation.

[detail the Emergency Situation and the reason for the purchase].

### Rule C2.3 (2) – Contract term exceeding 5 years

An exemption is sought from Rule C2.3 (1) to specify a contract term exceeding five years. The proposed contract term of [number] years (including all extension options) is necessary to meet the [State Agency name] business requirements due to [detail the business need that informs the requirement to exceed 5 years and the need demonstrates significant benefits will be delivered to the State or there are sound technical, commercial or operational reasons for doing so].

### Rule C5 – Exemption from appropriate procurement method

#### Rule C5.2.A – Procurement is not a Covered Procurement

An exemption is sought to not comply with the appropriate procurement method as required under Rule C4.1 (2).

[detail the reasons and justification why the applicable procurement method is not appropriate for the Procurement or if an Emergency Situation, details of the Emergency Situation].

*[Insert if Department of Finance advice required]*The Department of Finance is involved in this Procurement (Rule C5.1) and their advice is outlined at section 6.

#### Rule C5.2.B – Procurement is a Covered Procurement

An exemption is sought to not comply with the appropriate procurement method as required under Rule C4.1 (2).

[identify the circumstance from the Covered Procurement Rule list at C5.2.B and detail the reasons and justification why the applicable procurement method is not appropriate for the Procurement].

*[Insert if Department of Finance advice required]*The Department of Finance is involved in this Procurement (Rule C5.1) and their advice is outlined at section 6.

Where the exemption for this Rule is granted, a brief description of the justification will be published on Tenders WA.

### Rule D8.2 (1) – Release of award details and/or*[Edit as required]* Rule E3.2 (a) or (b) – Publishing expenditure update

An exemption is sought to not comply with the requirement/s of Rule D8.1 – Publish contract award details on Tenders WA and/or*[Edit as required]* Rule E3.1 – Publish updated contract management information on Tenders WA as the release of the contract award details and/or*[Edit as required]* the updated expenditure information will present a Significant Operational Risk.

The release of the detail/s presents a Significant Operational Risk because [identify the risk/s of releasing the details].

### Rule E1 (2) – Develop a contract or project management plan

An exemption is sought to not develop a contract or project management plan.

The Procurement is not classified as high risk based on [identify how the Procurement was classified as not high risk].

Developing a plan would have limited value due to the nature of the Procurement based on [detail the justification of how the nature of the Procurement means the plan would be of limited value].

### Rule F5 (6) – Alternative arrangements for contract register information

An exemption is sought for alternative arrangements to record contract register information.

[identify the information that cannot be recorded, reason/s why it cannot be recorded and what the alternative arrangements are].

The Department of Finance will be advised of the reason/s why the information cannot be recorded and what the alternative arrangements are.

## Approvals

*[Provide sufficent information to justify the approval]*

*[Delete and/or edit the following as applicable]*

### Rule C2.2 (c) – Alternative arrangements to purchasing from a mandatory State Agency led Standing Offer

Approval is sought to use alternative arrangements to purchase this requirement, even though it is available through a mandatory Standing Offer for [identify the Standing Offer].

[detail the reason/s why the Standing Offer cannot be used and what the alternative arrangements are to purchase the requirement].

### Rule C2.5 (1) – Establishment of a State-wide Standing Offer mandatory outside the Metropolitan region

Approval is sought to establish a State-wide Standing Offer that will be mandatory outside the Metropolitan region.

[detail the reasons why the Standing Offer is required to be mandatory outside the Metropolitan region].

### Rule D2.4 – Approval to Specify Proprietary Products

#### Rule D2.4.A – Procurement is not a Covered Procurement

For this Procurement, an approval is sought to specify a Proprietary Product where no equivalent alternative will be considered.

The Proprietary Product to be specified is [detail the Proprietary Product] and no equivalent alternative will be considered because [detail the reasons why no alternative will be considered].

#### Rule D2.4.B – Procurement is a Covered Procurement

For this Procurement, an approval is sought to specify a Proprietary Product where no equivalent alternative will be considered.

The Proprietary Product to be specified is [detail the Proprietary Product] and no equivalent alternative will be considered because [detail the reasons why no alternative will be considered].

Advice has been sought from the Department of Finance in regards to specifying the Proprietary Product and their advice is outlined at section 6.

# Covered Procurement

*[Delete and edit the following as applicable]*

The Procurement is a Covered Procurement as defined in the Rules.

Or

The Procurement is not a Covered Procurement due to its value being less than the Covered Procurement threshold.*[Refer to the Overview section of the Procurement Rules for the current Covered Procurement threshold]*

Or

The Procurement is not a Covered Procurement due to it being categorised as an excluded Covered Procurement as per Appendix 3 of the Rules. The excluded Covered Procurement category is [identify the excluded Covered Procurement category from Appendix 3 of the Rules].

Or

The Procurement is not a Covered Procurement due to the [State Agency name] not being a Covered State Agency as per Appendix 4 of the Rules.

# Recommendation and undertaking

It is recommended that the [Authorised Officer title] of [State Agency name] approve the exemption/s and/or approval/s*[edit as required]* outlined in section 2 of this request, in order that offers can be sought for the Procurement.

The [State Agency name] will record all exemptions in its exemption register and then fulfil all its obligations under the Procurement Rules and processes, for which it is not exempted from in this request.

*[Select one of the following options, as applicable:]*

*[Option 1: If the estimated total contract value is under $5 million (GST-inclusive)]*

Subject to approval of this request, a Request document (based on Department of Finance templates) will be prepared and issued.

Following receipt of the Offer(s) in response to the Request, an evaluation report will be prepared for approval by the [Authorised Officer title]. The report will include details of the value for money analysis of the submitted Offer(s). Following approval of the report, a letter of acceptance will be issued establishing the contract and the contract award information will be published on Tenders WA.*[If an exemption has been requested that award infomation will not be published, edit the last sentence to reflect this]*

*[or Option 2: If the estimated total contract value is $5 million or above (GST-inclusive)]*

Subject to approval of this request, procurement planning documentation will be developed and *[for goods and services]*submitted to the State Tender Review Committee (STRC) for endorsement,*[If an exemption has been requested/approved that a procurement plan is not being submitted to the STRC, edit to reflect this] [or for works]* documented assurance and review measures will be applied, *[for both]*and then submitted to the [Authorised Officer title] for approval. A Request document (based on Department of Finance templates) will then be prepared and issued.

Following receipt of the Offer(s), an evaluation report will be prepared, including details of the value for money analysis of the submitted Offer(s). The report will be *[for goods and services]*submitted for review by the State Tender Review Committee (STRC), *[If an exemption has been requested/approved that an evaluation report is not being submitted to the STRC, edit to reflect this] [or for works]* subjected to the documented internal review and assurance measures, *[for both]*and then submitted to the [Authorised Officer title] for approval. Following approval of the report, a letter of acceptance will be issued establishing the contract and the contract award information will be published on Tenders WA. *[If an exemption has been requested that award infomation will not be published, edit the last sentence to reflect this]*

A contract *or* project management plan will be developed for approval by the [Authorised Officer title]. The contract will be managed in accordance with the plan and the plan will be kept current including recording any and all Variations approved by the [Authorised Officer title]. The number and value of Variations and actual expenditure will be published on Tenders WA as required under Procurement Rule E3.1.*[If an exemption has been requested/approved that a relevant plan is not being developed and/or Variation details will not be published, edit the paragraph to reflect this]*

# Submitting Officer

|  |  |  |
| --- | --- | --- |
| Name |  | |
| Title |  | |
| Contact Number |  | |
| Signature:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | Date:  \_\_\_\_/\_\_\_\_/\_\_\_\_\_\_ |

# Advice from the Department of Finance*[Delete if not applicable]*

*[A State Agency must obtain advice from the Department of Finance* ***prior*** *to proceeding with an exemption or approval as and where identified in the Procurement Rules.*

*Where advice is required, complete the request and forward it to the Department of Finance for review and advice* ***prior*** *to being referred to the Authorised Officer for approval.]*

|  |  |  |
| --- | --- | --- |
| Name |  | |
| Title |  | |
| Contact Number |  | |
| **Supported**  **Not Supported**  **Noted** | Advice/Comments: | |
| Signature:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | Date:  \_\_\_\_/\_\_\_\_/\_\_\_\_\_\_ |

# Approval of the Authorised Officer

|  |  |  |
| --- | --- | --- |
| Name |  | |
| Title |  | |
| **Approved**  **Not Approved** | Comments: | |
| Signature:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | Date:  \_\_\_\_/\_\_\_\_/\_\_\_\_\_\_ |