

Finance Technical Guideline

TG035 Specification by Performance and Example

1. Purpose

This guide is to assist consultants on how to comply with Rule D2 Request Specification of the *Western Australian Procurement Rules* in the documentation of works contracts for new and existing non-residential buildings procured by the Department of Finance (Finance).

2. Background

All consultants, including secondary and sub-consultants, on Finance projects must comply with the *Western Australian Procurement Rules* irrespective of the project's construction value. Rule D2 Request Specifications requires:

- the promotion of open and fair competition,
- for products to be specified generically,
- where naming a proprietary product is necessary to describe a requirement of the procurement
 - a Western Australian product must be specified where appropriate, and
 - the product must be used as an example, with suppliers able to offer an equivalent alternative.

Further requirements are detailed in *Guide Notes to Assist in the Preparation of the Specification Preliminaries and the Specification Generally for Works Contracts Tendered by the Department of Finance in the Name of the Minister for Works* (Guide Notes) and the *Architectural Services Brief*.

2.1. Exemptions

There are no exemptions to this Technical Guide.

3. Methodology

3.1. Specifying products

3.1.1. Selection

The use of appropriate, immediately local products should be used wherever possible, unless doing so would unreasonably compromise the durability, amenity or functionality of the building(s).

Products shall be selected, in order of precedence:

- items manufactured near the project, if located in a regional site;
- items manufactured in WA;
- items supplied near the project, if located in a regional site;
- items supplied in WA;
- items manufactured in Australia or New Zealand;
- items supplied in Australia or New Zealand.
- other suppliers and manufacturers.

3.1.2. Specification by performance

Material and component specifications must be set out in terms of performance and functional requirements, rather than design or descriptive characteristics; that is, generic specification through *specifying by performance*.

There are several materials and components which are expected to be specified by performance unless appropriate justification can be provided to and approved by Finance. They include:

- bricks,
- polycarbonate roof sheeting,
- metal deck roof and wall sheeting,
- metal flashings and custom trims,
- domed/tubular skylights.
- paint.

Preference for colour, profile or finish is typically not an acceptable reason to specify by example.

The specification shall also not limit the selection to only one manufacturer or supplier, that is, be too specific in the performance criteria.

3.1.3. Specification by example

Where it is not possible to provide a performance-based specification, proprietary products may be named or be *specified by example* via an open proprietary method to allow suppliers the opportunity to offer equivalent alternatives.

Proprietary means identifiable by naming the manufacturer, supplier, installer, trade or brand name, catalogue or reference number, contact details.

Products also include components, systems, or service.

3.1.3.1. Interrogation

The consultant shall interrogate all products specified by example to determine if any Western Australian manufacturer or supplier exists. If the product is not manufactured in WA or cannot be procured by a WA supplier, there should be reasonable justification for why that specific brand or supplier has been named.

Consultants shall consider when interrogating:

- a) Can the product be specified generically? If it can, then the item or product should be specified generically.
- b) If it cannot be specified generically,
 - i. Is this product manufactured in WA? If not, is there a suitable equivalent manufactured in WA and why was it not specified as an example?
 - ii. Is this product supplied through a WA supplier? If not, can it be sourced from Australia and New Zealand?
 - iii. If the product needs to be imported from overseas, what is the justification?

Justifiable criteria for b) do not include:

- Aesthetic preference.
- Manufacturer or supplier preference.
- Initial supply and installation costs.
- Experience or past usage of the product.
- Matching existing products used elsewhere on the site / project.

3.1.3.2. Application

The following applies to all disciplines *on every occasion*, despite any general clause on the drawings, in the Preliminaries or general sections of the specification.

Consultants shall:

- use the exact phrase in the entirety and not alter any part. For example, adding other features to function and quality.
- include the phrase in the same font and size as the rest of the nomination. For example, the phrase cannot be in a smaller font size than any other text or note of similar type on the document.

When specifying by example, all effort shall be made to nominate two or more different manufacturers, brands and/or finishes. This is to give Tenderers immediate equivalent alternatives, promoting open and fair competition between suppliers.

Generally

When specifying by example, the consultant must add the phrase '***or a similar product equivalent in function, quality, etc to the approval of the Superintendent's Representative***' in each and every instance, immediately after the proprietary citation, in such a fashion that the phrase is read as an integral part of the specification.

Tables or schedules

At the top of tables or schedules of equipment, fixtures or finishes etc. on drawings and in specifications, a single statement acknowledging consideration of '***or a similar product equivalent in function, quality, etc to the approval of the Superintendent's Representative***' will be accepted, if that statement is integrally linked or clearly identifiable as applicable to those products listed within that table or schedule.

Finishes

Where a colour, profile or finish is nominated, these design preferences shall be addressed by using the wording "***to match***".

3.1.3.3. Sanctions

Highlighting the sensitivity around this policy, Clause 3.13.2 "Sanctions" of the Guide Notes states, that "should a consultant specify by example using a non-Western Australian product where a suitable Western Australian product exists, or should a consultant fail to add the approved phrase to each instance of specification by example, the Department of Finance may, at its discretion, advise the consultant that it will not consider proposals for future contracts from the consultant for a period of twelve months or such lesser period determined by the Department".

3.2. Writing construction specifications

3.2.1. General

The following sections provide guidance on how to achieve the specification requirements using the National Building Specification (NATSPEC). The same principles apply in the creation of non-NATSPEC documents.

This guidance does not preclude the application of other required, relevant, and applicable legislated standards, project briefings, State policies, or other applicable requirements. Consultants shall liaise with their Finance Project Manager for direction when conflicts are identified.

3.2.2. Specifications

When a product has been specified and described, whether it be by example or by performance, consultants are to ensure the specification does not inadvertently

exclude other equivalent and suitable products or manufacturers. This has been an issue when specifiers have sought the assistance of a supplier or manufacturer in writing their specification.

The contract documents must not include any instances of supplier or manufacturer logos or contact details. This is irrespective of whether the product or material has been specified generically or by example.

3.2.2.1. Branded worksections

Branded worksections should not be used.

If a branded worksection (NATSPEC or otherwise) is deemed necessary, justification is to be supplied for Finance approval. The branded worksection must be generically titled, removing all corporate ownership and branding including headers, logos, copyright, contact details, websites and the like. It must also include the appropriate wording allowing substitution alongside every proprietary reference. Refer to above clauses on Specification by Example.

3.2.2.2. Individual clauses

Where the specification prompts a material selection, the line 'Product' is to be completed as:

- When specifying by performance: "Not applicable"
- When specifying by example: The product nomination, followed immediately and in every instance, by the phrase ***"or a similar product equivalent in function, quality, etc to the approval of the Superintendent's Representative"***.

Finishes and other such schedules included within the contract documents must follow these principles:

- When specifying by performance: Remove all references to the proprietary product.
- When specifying by example: including the phrase ***"or a similar product equivalent in function, quality, etc to the approval of the Superintendent's Representative"*** once at the top of the table or schedule, including an appropriate linkage to each reference.

Design preferences, such as colour, profile, finish, or similar can be nominated using the proprietary colour or profile with the phrase ***"to match"*** immediately before the proprietary reference.

3.2.2.3. Supplied technical documents

Consultants sometimes seek manufacturers or suppliers' assistance on specialty elements, such as paint, hardware, fixtures, etc. Like all other products that cannot be specified by performance, it is important to ensure that any documentation provided by the manufacturers or suppliers and included in the specification or

drawing package are clearly identifiable as **an example** and that equivalent alternatives may be proposed.

Where proprietary drawings, technical sheets, specifications etc. are incorporated, the consultant must remove any corporate ownership and branding including headers, logos, copyright, contact details etc. from the supplied documents.

When attached as an appendix, consultants must add a statement as a header on every page of the appendix acknowledging that the drawing, sheet, specification etc. is an example of an acceptable manufacturers design. Where this appendix is referenced within the main body of the specification, the consultant must also include a statement acknowledging that this is an example of an acceptable manufacturers design for the product.

3.2.3. Sample specification

The following are hypothetical examples for profiled sheet metal roofing and how they may be specified.

All names and product references named below are fictional. Any reference to an actual product, supplier or brand are unintentional, and is not an endorsement for any brand or product.

3.2.3.1. Specifying by performance

The roof sheeting nominated for Roof Areas 1, 2 and 3 were industry standard and readily supplied by multiple manufacturers.

Drawing annotation:

“Metal deck roof sheeting – refer specification”

Profiled sheet metal roofing schedule:

	A	B	C
Location	Roof Area 1	Roof Area 2	Roof Area 3
Product	Not Applicable	Not Applicable	Not Applicable
Profile	To match Metaldeckomatic: Prettyorb 10 Or Roofline; Ribbed 10	To match Metaldeckomatic: Prettyorb 15 Or Roofline; Ribbed 15	To match Metaldeckomatic: Littleorb 2 Or Roofline; Mini Rib 2
Material	Prefinished/coated steel sheeting to meet the	Hot-dip type AM coated sheet steel to meet the	Prefinished/coated steel sheeting to meet the

	A	B	C
	requirements of AS2728	requirements of AS1397	requirements of AS2728
Base metal thickness (BMT) (mm)	Minimum 0.48 BMT	Minimum 0.48 BMT	Minimum 0.48 BMT
Finish	Paint finish to AS2728 Type 4	Aluminium / zinc / magnesium alloy to AS1397 with a coating weight of 125gm ²	Paint finish to AS2728 Type 4
Colour	To match Metaldeckomatic: Hot Pinky Or Roofline; Rosey	Natural (self-finish)	To match Metaldeckomatic: Softly Or Roofline; Light Basil
Fasteners	Concealed clipped	Concealed clipped	Concealed clipped
Insulation spacer type	As nominated	As nominated	As to suit roof insulation

3.2.3.2. Specifying by example

The roof sheeting nominated for Roof Area 4 was unable to be specified generically, due to it being attached to the existing building and its custom profile of the existing sheeting.

Drawing annotation:

“Metal deck roof sheeting type D – refer specification”

Specification line item:

“Metal deck roof sheeting type D shall be Metaldeckomatic Extra Special, Prettyorb6 custom profile, or a similar product equivalent in function, quality, etc to the approval of the Superintendent’s Representative, used on Roof Area 4, to match and extend the existing roof sheeting used on Stage 1.”

Profiled sheet metal roofing schedule:

* or a similar product equivalent in function, quality, etc to the approval of the Superintendent's Representative

	D
Location	Roof Area 4 – Stage 1 Extension
Product	Metaldeckomatic *
Profile	Prettyorb 6*, custom LB
Material	Extra Special* coating
Base metal thickness (BMT) (mm)	Minimum 0.48 BMT
Finish	Not applicable
Colour	To match Metaldeckomatic: Hot Pinky
Fasteners	Concealed clipped
Insulation spacer type	To suit roof insulation

4. References

Western Australian Procurement Rules, Department of Finance [Western Australian Procurement Rules](#)

Western Australian Buy Local Policy 2022, Department of Jobs, Tourism, Science and Innovation [WA Buy Local Policy 2022](#)

TG001 NATSPEC Specification, Department of Finance [TG001 NATSPEC Specification \(www.wa.gov.au\)](#)

NATSPEC TECHnote GEN 006 Product specifying and substitution NATSPEC April 2024

Guide Notes to Assist in The Preparation of the Specification Preliminaries and the Specification Generally for Works Contracts Tendered by the Department of Finance in the Name of the Minister for Works, Department of Finance

5. Document control

Document Control				
TRIM reference	2015/02812 DOC: 07000246			
Effective date	June 2024			
Next revision	June 2025			
Content owner	Building and Technical Services			
Enquiries	Consult with content owner or principal.architect@finance.wa.gov.au			
Version	Revision date	Author	Reason	Sections
1	03/06/2021	BTS	Initial release	All
1.2	27/08/2021	BTS	Update reference documents	3
1.3	23/12/2021	BTS	Update reference documents	1, 5
2	01/06/2024	BTS	Whole document update	All

Document approval
This guideline was endorsed and approved for use on 01/06/2024 by: Dean Wood, Principal Architect Department of Finance

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