Purpose: To provide agencies with advice regarding the State’s response to Novel Coronavirus (COVID-19) and requirements under the State Supply Commission (SSC) Supply Policies and the Partial Exemptions¹.

The SSC 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.

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 and retain procurement documents in accordance with the State Records Act and the agency’s approved record-keeping plans. This will provide effective means of accountability and ensure that information is readily identifiable and available on request.

Value for money must still be achieved but with consideration to the circumstances.

Agencies should also check if they have existing contracts and consider how these arrangements may be best managed to support the agency’s intended purchasing actions. This may involve seeking legal advice to understand contractor and agency rights and obligations.

Further Assistance
For further enquiries regarding this please contact State Supply Commission on (08) 6551 1500.

¹ This Buyer Alert guidance is considered sufficient to address the requirement to have Department of Finance involvement and/or seek Finance approval not to buy from a mandatory CUA.