The Written Quote Template Suite

A Guide to Completing the
Written Quote Template Suite

August 2023

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# So you want to release a Written Quote?

We’re here to help. This *Guide to Completing the Written Quote Template Suite* (Guide) is a resource that you can use to assist you to facilitate the Written Quote process. The Guide contains help with the process itself, but also gives guidance on completing the templates in the Written Quote Template Suite.

In this Guide we have included the following symbols so that you can easily spot helpful information:

* Other resources and guidance
* Extra hints and tips
* Examples

While this Guide and the Written Quote Template Suite help you facilitate the Written Quote process, we understand that you may need further assistance. The Department of Finance (Finance) conducts Written Quotes workshops, which can assist you with facilitating a Written Quote process.

* [Written Quotes Process](https://www.wa.gov.au/organisation/department-of-finance/training-buyers) workshops are available for you to enrol in.
* Your State Agency’s contact within Finance is available in the [Contact List](https://www.wa.gov.au/government/publications/agency-procurement-services-contact-list).

# When to use the Written Quote Template Suite

In accordance with the Written Quote threshold established in the [Western Australian Procurement Rules](https://www.wa.gov.au/government/multi-step-guides/western-australian-procurement-rules), you should use the Written Quote Template Suite when purchasing Goods, Services and maintenance works services valued from $50,000 and up to $250,000, except where:

* the purchase is to be made by using a [Common Use Arrangement](https://www.wa.gov.au/government/cuas/common-use-arrangements-cuas) or existing State Agency Contract;
* the purchase is to be made through a financial arrangement that is not a commercial procurement, such as a grant, disposal or an investment;
* procuring community services under the [Delivering Community Services in Partnership Policy](https://www.wa.gov.au/government/publications/delivering-community-services-partnership-policy);
* the procurement has complex requirements, for example, intellectual property ownership and/or licensing requirements;
* the procurement is likely to involve negotiations of terms and conditions;
* the procurement is for works consultancy services;
* the procurement is for works maintenance services that involve multiple trades, hazardous materials, or requires significant subcontracting down the supply chain;
* a risk assessment indicates that the Good or Service being bought represents a medium to high risk to government and a contract with a more conservative risk profile is required to manage these risks. State Agencies should use the Department of Finance’s (Finance) [Request template](http://www.finance.wa.gov.au/cms/uploadedFiles/Government_Procurement/Guidelines_and_templates/Evaluation_Report_template-wqts.doc) (available for this purpose) or the State Agency’s works templates;
* conducting a procurement of Information Communication Technology (ICT) Goods and/or Services;
* conducting a procurement of Cleaning Services or Legal Services; or
* both procurement and delivery will take place outside Australia.
* [Templates](https://www.wa.gov.au/government/document-collections/goods-and-services-templates) for ICT, Cleaning, Legal Services and higher risk procurements may be found at [wa.gov.au](https://www.wa.gov.au/government/document-collections/goods-and-services-templates).
* When referring to monetary thresholds (eg the ‘Written Quote threshold from $50,000 to $250,000), the thresholds include GST and represent the total contract value. Total contract value is the value of the contract to be awarded over its life. The [Western Australian Procurement Rules](https://www.wa.gov.au/government/multi-step-guides/western-australian-procurement-rules) requires that the total term of a contract does not exceed five years. So, for example, the total contract value of a five year contract would be the annual price multiplied by five years.
* Contact your State Agency’s procurement area before starting your written quote process. Your State Agency should maintain a list of contracts it currently holds. These contracts are ‘State Agency Contracts’. Where there is already a contract in place in your State Agency for the Good or Service you wish to buy, you should buy from an existing contract.
* The Written Quote Template Suite was designed to be used for low risk, low value procurement activity. The suite adopts a risk profile commensurate with such procurement activity and reduces red tape for both buyers and suppliers. As such, it isn’t necessary for you to specify types and amount of insurance coverage the supplier must hold. Clause 8.1 of the **Simple Contract Terms** requires the contractor to maintain insurance consistent with good industry practice a prudent contractor would reasonably require in connection with the Goods and/or services under the contract. This treatment of insurance, along with the insurance clauses in the Simple Contract Terms, have been endorsed by the Insurance Commission of WA and will not affect the level of insurance provided to State Agencies through that body.

# The Written Quote Template Suite

The Written Quote Template Suite is made up of the following templates and documents:

* this Guide to Completing the Written Quote Template Suite;
* the Request for Quote template;
* the Request Conditions;
* the Simple Contract Terms;
* the Evaluation Handbook template;
* the Evaluation Report template;
* the Award Letter template; and
* the Unsuccessful Letter template.

Together these documents should enable you to facilitate a whole Written Quote process up to the point of award of a contract. These documents must be used as a package and must not be combined with other procurement templates published by Finance.

* The [Written Quote Template Suite](https://www.wa.gov.au/government/collections/written-quote-template-suite) may be found at [www.wa.gov.au](https://www.wa.gov.au/government/collections/written-quote-template-suite).

The Simple Contract Terms and the Request Conditions are not templates. These documents are stand-alone, unalterable documents, which together with the Request for Quote, the successful respondent’s offer and the Award Letter form the contract that your State Agency has with the successful respondent. The Simple Contract Terms and the Request Conditions do not need to be attached to the Quote when released, however, suppliers are able to view these documents online.

The Request Conditions contains clauses relating to the evaluation process, rules about what your State Agency can and can’t do when evaluating offers, and clauses that require the respondent to do or promise certain things with respect to their offers. The Request Conditions ‘fall away’ or is no longer relevant when a contract is awarded.

# A summary of the Written Quote process

In simple terms, the procurement process, using the Written Quote Template Suite is as follows:

1. Identify the need.
2. Develop a specification and the Request for Quote, using the Request for Quote template.
3. Identify a sufficient number of suppliers capable of supplying the Goods and/or Services. Ensure that regional suppliers are given every opportunity to supply for a regional purchase When seeking quotations from more than one supplier for delivery of goods or services in a region other than the Perth region, State Agencies must ensure businesses within the region or specific town are invited to submit a competitive bid.
* Where the exception from the procurement methods outlined in the Western Australian Procurement Rules is used to engage an Australian Disability Enterprise (ADE) or an Aboriginal business, you should seek quotes from one supplier (the ADE or Aboriginal business), however there may be circumstances where it is appropriate to approach more than one supplier to provide a quote.
1. Invite the suppliers by using Tenders WA to issue the Quote. Alternatively the Quote may be released publicly through Tenders WA. You are strongly discouraged from emailing quote documents to suppliers. Please use the notification function in Tenders WA to alert suppliers to your quote.
2. Ensure suppliers are able to respond using Tenders WA by ensuring you select Electronic Tender Lodgement (ETL) as the only method for response. Tenders WA allows other lodgement methods, but for Quotes, please ensure only ETL is selected.
3. After closing time, close the quote and open the tender box in Tenders WA to receive the respondents’ offers (bids or tenders) Your State Agency may have an agreement with another State Agency or the Department of Finance for them to assist you in opening tenders. Please consult your State Agency’s guidelines for more information.
4. Form an evaluation team of two or more team members. Your evaluation team should consist of public servants only.
5. Complete the Evaluation Handbook, including the ‘Summary of Offers’ section in the Evaluation Worksheet and forward a copy of the Evaluation Handbook, and the offers to the evaluation team members.
6. The evaluation team members must then individually assess the offers against the standard evaluation criteria included in the Request for Quote.
7. Convene a meeting of the evaluation team in order to reach a consensus decision on the respondent/s that represent best value for money.
8. Complete the Evaluation Report template and ensure that it is approved by an appropriate authority within your State Agency prior to awarding the contract.
9. Should the price of the successful bidder equal or exceed $250,000, the Accountable Authority may elect to award the contract. In assessing this, the Accountable Authority will consider how much the threshold has been exceeded by and the benefits of an open tender process.
10. A contract is then formed by sending each successful respondent an Award Letter – you must complete the Award Letter template and ensure it is signed by your State Agency’s Accountable Authority or delegate.
11. Complete and send the Unsuccessful Letter template to the unsuccessful respondents. The unsuccessful letter is to be signed by your State Agency’s Accountable Authority or delegate.
12. Post the contract award details on Tenders WA.
* You may identify suppliers through your own knowledge of the market for your Goods or Services, alternatively, you may do a key word search on Tenders WA to determine which suppliers have won contracts with other Government State Agencies. A sufficient number of suppliers is generally thought to mean between two and five suppliers, depending on the size of the market for your Good or Service.
* When advertising your Quote on Tenders WA you may choose to invite only those suppliers you have identified, without making your invitation public. To do so, choose ‘Restricted’.

Alternatively you may choose ‘Invited’ which allows your identified suppliers to download your Quote from Tenders WA but also makes the advertisement public, though the document is not public. This is not the preferred method, as suppliers who are not invited may wish to be invited, which may not allow them sufficient time to respond.

The preferred method is to release the Quote to the open market by choosing ‘Supplier Notification’, which will notify your identified suppliers that a Quote is available, and will allow those invited, and suppliers at large (ie those not invited) to download the Quote from Tenders WA.

* State Agencies are required to keep a ‘delegations list’ which outlines the people in your State Agency who have the authority to enter into contracts. These are people who need to approve the evaluation report and sign the award letters. This delegation schedule is unique to each State Agency.
* Although the procurement process ends with the award of a contract, you must then ensure you manage your contract appropriately through effective contract management.
* After you award your contract, you must remember to place the details of the contract in your State Agency’s contracts register.
* The [Western Australian Procurement Rules](https://www.wa.gov.au/government/multi-step-guides/western-australian-procurement-rules) require State Agencies to give respondents a debrief upon request. Don’t discuss any other respondent’s offers at the debrief. Do give constructive feedback on the strengths and weaknesses of the offer submitted by the respondent to whom you are providing the debrief.
* The Western Australian Procurement Rules are available at [wa.gov.au](https://www.wa.gov.au/government/multi-step-guides/western-australian-procurement-rules).
* Help with using Tenders WA, including a number of user guides may be found on the [Tenders WA website](https://www.tenders.wa.gov.au/watenders/index.do).
* The Simple Contract Terms and the Request Conditions are available in the [Written Quote Template Suite](https://www.wa.gov.au/government/collections/written-quote-template-suite).
* Explore some [Contract Management tools](https://www.wa.gov.au/government/document-collections/goods-and-services-templates).

# Editing the Written Quote Template Suite

The Written Quote Template Suite contains sections that you must fill in.

The template suite uses the following colour code to indicate the type of information required:

* Red text is an instruction and should be deleted after reading;
* Blue text should be edited or deleted as required. Blue text should be changed to black text if choosing to keep the text;
* Black text should generally be considered ‘fixed text’; that is, black text should not be deleted or changed.
* **Example**

The following is taken from the *Request for Quote* template:

Imported Content

This Request is for the procurement of Services only, so the imported content section in Part B-5 *is not* applicable.

Or

This Request is for the procurement of [Goods and Services] or [Goods only], so the imported content section in Part B-5 is applicable.

This indicates that, because the title ‘Imported Content’ is in black text, it should not be removed. Rather, the title should be retained and one of the two options, indicated in blue text, should be chosen. The instructional ‘or’s’ in red should be deleted.

As another example (and also from the *Request for Quote* template):

Delivery and Acceptance – Additional Instructions
[Insert Details]

As the title ‘Delivery and Acceptance – Additional Instructions’ is in blue, it is an optional section and may be deleted in its entirety if it is not applicable.

In addition, some of the Written Quote Template Suite contain drop down items from which you can choose. These drop down items are in the Evaluation Handbook and the Evaluation Report templates.

# Completing the templates in the Written Quote Template Suite

## The Request for Quote Template

### Cover Page

The Cover Page of the Request for Quote template requires you to enter:

* a brief description of the requirement as a title for the Quote. The description of requirement should be succinct, yet clear enough for suppliers to understand at a glance whether they are likely to be able to supply your requirement;
* a reference number to help identify the quote. Each State Agency will have its own system, usually an access database or excel register, for issuing quote, tender and contract numbers. The reference number should also be included in the footer of the document;
* the name of your State Agency e.g. Department of Finance; and
* the closing date and time of the quote.

The closing date is the date by which suppliers must submit their offers. It is important to give suppliers adequate time to submit an appropriate offer. The Western Australian Procurement Rules (Rule D4) requires Requests that are publicly advertised to all suppliers (referred to as Open Advertisements) to be advertised for a minimum of 14 calendar days. The Procurement Rules require Requests that will not be publicly advertised to be open for ‘sufficient time’, which is defined in Appendix 1. Fourteen calendar days is a good yardstick when determining a quote closing date, though longer, particularly around public holidays and the Christmas period, is also acceptable. Make sure your closing date is not a public holiday.

You must also choose a closing time. Your State Agency may have a standard closing time. If so, this closing time should be reflected on the Cover Page. In addition, you must ensure that the same closing time is recorded in Tenders WA when you release your Quote to suppliers.

If your State Agency does not have a standard closing time, then we recommend using 2.30pm, as this is the most often used closing time.

Clause 2.1 of the Request Conditions makes it clear that where a respondent does not submit a complete offer by the closing time, the offer must be excluded from consideration.

* You are strongly discouraged from emailing quote documents to suppliers. Please use the notification function in Tenders WA to alert suppliers to your quote.

### Part A – Statement of Requirement

| Paragraph Reference | Drafter Action | Explanatory Notes | Resources |
| --- | --- | --- | --- |
| **1.1 Requirements Overview** | Insert the description of requirement – the same as the cover page. | This section includes a prompt to simply insert a restatement of the title. No further information is necessary here, as the specification, required in section 1.10 will include an exhaustive description of the requirement. | Nil |
| **1.2 Submission Requirements** | No action required. | This section lets the respondent know that all offers must be uploaded to Tenders WA for submission. No other submission method is acceptable. This section also describes the requirements that the respondent must comply with when uploading their offer.This section contains some drafter’s prompts reminding the drafter that Tenders WA will only accept files for uploading that are saved in one of the formats on the Tenders WA Whitelist (see below).The Tenders WA system has recently been updated to implement a file format whitelist (the **Whitelist**). This means that the system will only accept files for uploading in formats that are on the Whitelist. Agency personnel can view the Whitelist by logging in to [Tenders WA](https://www.tenders.wa.gov.au/watenders/index.do?CSRFNONCE=4097454042F9B487AD8BB30FABB261F6) and following the links ‘Help’ >‘Help Guides’ >‘Buyers Help Guides’.Section 1.2 of the Request for Quote lists commonly used Whitelist file formats. Always review both the formats listed in section 1.2 and the current version of the Whitelist, and ensure all potentially relevant file formats are listed in the Request. If you are unsure whether a listed file format is relevant or accessible by your agency, check with your agency’s ICT team.If you have queries about the Whitelist and/or require additional formats to be approved and added to the Whitelist, contact Procurement Systems Operations – procurementsystems@finance.wa.gov.au.Clause 2.1, of the Request Conditions (WQTS) makes it clear that where a respondent does not submit a complete offer by the closing time and through Tenders WA, the offer must be excluded from consideration. | [Request Conditions](https://www.wa.gov.au/government/document-collections/written-quote-template-suite) |
| **1.3 Key Dates and Times** | Insert offer validity period e.g. three months; six months. | Offer Validity PeriodThis refers to the period that respondents must ‘hold open’ their offers for acceptance by the customer. This means, amongst other things, that respondents must hold their prices for this period.This field must be included in all quotes.The period you include in the quote must be long enough for you to evaluate the offers and to award the contract, however, please be mindful that long validity periods are troublesome for some respondents – particularly in rapidly changing markets. Respondents are likely to build this uncertainty into their offered pricing.If the end of the validity period is approaching and your evaluation process isn’t finalised, you can extend the validity period in accordance with clause 6.2 of the Request Conditions. For respondents’ offers to remain valid (and therefore capable of acceptance and a contract(s) established) the validity must be extended *before* the validity period expires. Once it has expired there is no longer an offer for you to extend or accept.Please note that clause 6.2 of the Request Conditions makes it clear that respondents are able to withdraw their offer at any time during the evaluation process. Respondents may do so where they no longer have capacity to perform any contract; or their situation has changed. | [Western Australian Procurement Rules](https://www.wa.gov.au/government/multi-step-guides/western-australian-procurement-rules) |
| **1.3 Key Dates and Times continued** | Select one of three options.If option one is selected then you will need to insert a number of months or years – whichever is the preferred term. | Contract TermThis section allows you to choose the most appropriate contract term for your requirement. There are three contract term options.The first option is a ‘period contract’ option. This option should be used where your State Agency has a requirement for long term delivery of Goods or Services where the delivery date is unspecified, or for ad hoc purchases over a number of years.Where a period contract is chosen:* you may also choose to include contract extension options (see below); and
* the maximum period cannot exceed five years. This requirement is included in the Western Australian Procurement Rules (Rule C2.3). The Rules do allow contracts for longer than this period, but not without the approval of your accountable authority.

The second option should be chosen when the requirement is for a one off, short term delivery of defined Services, with specific delivery dates included in the specification. For example, where a trainer is engaged to provide a single training course to your team.This option does not allow you to include extension options.The third option is similar to the second, however it may be included only where you are purchasing Goods.This option does not allow you to include extension options.Regardless of the option chosen you must keep the black text at the foot of this section. You should also note that the text requires you to notify the successful respondent of the commencement date of the contract in the Acceptance of Offer (i.e. the Award Letter). The Award Letter template includes an instruction to remind you. The ‘Commencement Date’ should be the date the implementation obligations start; that is, if the Supplier is required to perform any obligation, including transition-in obligations, if any.How long should I make the term of my period contract?Firstly, no longer than five years to comply with the Western Australian Procurement Rules.Then, consider how long you might need the Goods/Services to be delivered for.Are there any known events in the future that might change that need dramatically? If so, perhaps you don’t want to commit to purchasing them beyond that event. You could consider extension options to cover the possibility of your need continuing after that event.The Customer has discretion whether or not they want to use each extension option. | Nil |
| **1.3 Key Dates and Times continued** | Insert number and duration of extension options (if option 1, in the Contract Term section, is chosen). | Contract Extension OptionThis section should only be included where option one in the Contract Term section was chosen.Contract extension options are options that the customer can use to continue the contract beyond the initial term, without any change to the agreed terms, conditions and prices. Extension options give you some flexibility when choosing a contract term. For example, instead of having a contract for a full five year term, you may choose to set an initial term of three years, with two, one year extension options. In this example, at the end of the three year initial term, you can decide not to proceed with the extension option and the contract will expire.Extension options aren’t optional for the Supplier. If the Customer wants to exercise one of these options then the Supplier can’t refuse.The Customer makes no commitment to using any of the extension options.While this is a flexible approach to contracting, it also has disadvantages. A respondent is likely to offer better prices if they are able to rely on the certainty that they have a longer term contract with you. As there is no guarantee you will take up the extension options, respondents are not likely to give you the same price as they would for a contract with a certain longer term.So when considering how long to make the initial term and the extension options, it is worth considering the viability of this sale from the supplier’s perspective. E.g. A longer initial term means a larger guaranteed sale for the supplier, which could mean lower prices. Or, for a contract that requires an initial investment of time or capital by a supplier, an initial term that is too short might not give them enough time to recoup the investment, and so discourage the supplier from making an offer. | Nil |
| **1.3 Key Dates and Times continued** | Select one of two options. | Price BasisThis section contains two options.1. Fixed price – should generally be chosen when the contract is for a term of less than one year.
2. Variable pricing – should be chosen when the total contract term (including any extension options) is longer than one year, or where the market for the requirement changes rapidly.

Often fixing pricing for long periods does not represent value for money. Respondents tend to increase their offered prices to try to address the unknown quantum by which their prices might increase over the contract term – and they will likely overestimate the likely price increases over this period to ensure they are not left having to provide the Goods or Services at an unsustainable price.Where you select the variable pricing option, please note that the pricing must be varied by the Consumer Price Index as indicated.The prices are to be varied annually, however any price increase is to be requested by the contractor. Until such a request is made, no price increase should be paid. In addition, you should not back-pay price variations. The increase in price should be paid within 21 days from when the contractor submits the request or the anniversary of the Commencement Date, whichever is later.In sum, some things to consider when deciding whether to make prices fixed or variable are listed below.Fixed pricing:* Contractor will bear any inflation risk.
* Respondents will likely increase their prices to allow for cost increases over the contract term.
* Provides budget certainty for the customer.
* Less administration.

Variable pricing:* May result in lower offered price as respondents don’t have to build in an estimate of cost increases.
* Customer takes on inflation price risk.
* Linked to an independent index, i.e. Consumer Price Index (CPI) published by the Australian Bureau of Statistics (ABS).
* Has to be calculated and executed each year by written communication between customer and contractor.
 | [Consumer Price Index Information](https://www.abs.gov.au/statistics/economy/price-indexes-and-inflation/consumer-price-index-australia/dec-2020) on the Australian Bureau of Statistics website. |
| **1.4 Contact Persons** | Insert details of a contact person for supplier enquiries. | Please ensure that the contact person is available for the entire time the quote is open. You may nominate more than one contact person.The Western Australian Procurement Rules state that State Agencies must conduct their procurement activities ethically, honestly and fairly and that State Agencies must be accountable for procurement decisions. Recording and responding in an appropriate and timely manner to all supplier enquiries is an important part of the conduct of any procurement activity.It is important that all suppliers are given the same information, so if, in answering a supplier question, that supplier has more information than any other, then you should release an addendum to all suppliers so that everyone has the same information.Addenda should be released through Tenders WA. | [Western Australian Procurement Rules](https://www.wa.gov.au/government/multi-step-guides/western-australian-procurement-rules/section-b-act-ethically-integrity-and-accountability) (Rules B1-B3).For information on how to release addenda through Tenders WA go to the Buyers Help Guides in the [Tenders WA Library Documents](https://www.tenders.wa.gov.au/watenders/library/browse.do). |
| **1.5 Compliance with Simple Contract Terms** | Select one of two options. | The Simple Contract Terms, which form part of the contract awarded at the end of the quote process, are designed by the State Solicitor’s Office and the Department of Finance to ensure an equitable contract is formed between the Customer and Supplier, while providing appropriate protection to the State. Negotiating these terms is strongly discouraged. If you do not want to consider departures from the Simple Contract Terms, choose the first option. If this option is included in the Quote, you cannot consider any departures. Any respondent who submits alternative terms or alters existing terms must be excluded from consideration.If you do want to allow consideration of departures from the Simple Contract Terms, choose the second option. If you believe that departures are likely, the Written Quote Template Suite may not be appropriate for your procurement and you should consider using the Request template instead. | [Simple Contract Terms](https://www.wa.gov.au/government/collections/written-quote-template-suite). |
| **1.6 Mandatory Prequalification Requirements** | Select one of two options. | Mandatory prequalification requirements should be used only in exceptional circumstances as offers that do not comply with a prequalification at the quote closing time must be excluded from consideration.Mandatory prequalification requirements are appropriate when, for example, a supplier must be licenced to provide the Goods or Services.If you do not wish to include mandatory prequalification requirements, please insert the first option, which explicitly states that no prequalification requirements are included. | Nil |
| **1.7 Supplier Debarment Regime** | Information about the Western Australian supplier debarment regime. | This section provides information to Respondents about the Western Australian supplier debarment regime. | Further information about the regime is available from [wa.gov.au](https://www.wa.gov.au/organisation/department-of-finance/debarment-regime) and [Tenders WA](https://www.tenders.wa.gov.au/watenders/news/browse.do?CSRFNONCE=0132B7ECFC1EFACB94F7EA0F56CDE8AF&&ss=1). |
| **1.8 The WA Buy Local Policy 2022** | **WA Buy Local Policy 2022**Imported Content – non-mandatory.Regional Price Preferences – only applicable where the Goods or Services are being delivered to a regional area. Where applicable, you must insert the contract delivery point and the prescribed distance.If the Imported Content or Regional Price Preferences are not applicable, please choose the appropriate option. | The *WA Buy Local Policy 2022* is a State Government policy that applies to all procurement activity conducted by the State. The *WA Buy Local Policy 2022* aims to maximise supply opportunities for competitive local Western Australian businesses when bidding for State government contracts.Amongst other requirements, the *WA Buy Local Policy 2022* requires you to include Regional Price Preferences in your quote, if applicable.Including *Imported Content* is non-mandatory. The Imported Content section in the template offers two options (‘applicable’ or ‘not applicable’), one option must be selected.The *Regional Price Preferences* are only applicable when the quote is for delivery of Goods or Services *outside* of the Perth Metropolitan Area. Please choose the appropriate option (‘applicable’ or ‘not applicable’) in the template.Where *Regional Price Preferences* are applicable, you will need to insert the contract delivery point of the contract and the prescribed distance.The contract delivery point is simply the town or locale to which the contract Goods or Services will be delivered.The prescribed distance is either 200km or 400km, depending on the zone in which the delivery is made. For boundaries of each of the zones, please refer to the Regional Development Commissions Act 1993. | [WA Buy Local Policy 2022](https://www.wa.gov.au/government/publications/western-australian-buy-local-policy-2022) |
| **1.9 The Requirement** | Draft specification. | You must draft a specification or scope for your quote. Your specification must be sufficiently detailed to enable suppliers to meet your needs.Consider including specifications for the delivery of Community Outcomes relevant to this Request. See the [Western Australian Social Procurement Framework Practice Guide](https://www.wa.gov.au/government/publications/western-australian-social-procurement-framework) for information about incorporating the delivery of Community Outcomes into specifications.Refer to and ensure compliance with Procurement Rule D2 – Request Specifications and all the subsection Rules when developing your specification.Under the *WA Buy Local Policy 2022*, for quotations and tenders in regional WA, specifications must not disadvantage regional businesses. It is often easier to start from an old specification and amend that to reflect your needs. In order to find relevant specifications, you may search on Tenders WA to find contacts at other State Agencies who may have sourced a similar Good or Service. Alternatively you may wish to contact the Department of Finance, to see if it has facilitated similar requirements.Although you may acquire an old specification, please ensure that you amend it to reflect your current need. | [Completion of Tender Document – Specification, Performance Requirements and Selection Requirements](https://www.wa.gov.au/government/multi-step-guides/procurement-guidelines/request-development-and-contract-formation-guidelines)[Western Australian Social Procurement Framework Practice Guide](https://www.wa.gov.au/government/publications/western-australian-social-procurement-framework)A list of State Agency contacts is available in the [Department of Finance Contact List](https://www.wa.gov.au/government/publications/agency-procurement-services-contact-list). |
| **1.10 Delivery and Acceptance** | You should complete the tables included in this section.Table 1 should be used where Goods are being sourced.Table 2 should be used where Services are being sourced. If both Goods and Services are being purchased, then you should include both tables. | It’s important that the descriptions included in the table accurately reflect the Goods and Services being delivered because these descriptions of the required line items are to be the same as those the supplier will be asked to price against.If there are any additional delivery instructions, please include them beneath the table. These additional instructions may include any packaging information. The Simple Contract Terms require the items to be delivered to be new, unless you specify otherwise in this section or in the specification.Please note if the Goods or Services delivered do not comply with the requirements of the contract you have 14 calendar days after the later of installation and delivery or performance to reject the Goods or Services. Clause 5.5 of the Simple Contract Terms state that if you do not reject the Goods or Services within that timeframe you will be taken as having accepted the Goods or Services. | [Simple Contract Terms](https://www.wa.gov.au/government/collections/written-quote-template-suite). |

### Special Conditions

| Paragraph Reference | Drafter action | Explanatory Notes | Resources |
| --- | --- | --- | --- |
| **Generally** | You should review the Special Conditions.If you do not require any Special Conditions insert the first option. If you do require Special Conditions, insert the second option ‘lead in’ phrase then include the required condition or conditions. | The Simple Contract Terms were developed to ensure an equitable contract is formed between the Customer and the Supplier, while providing appropriate protection to the State. The Simple Contract Terms should be sufficient for most low risk procurement activity at the written quote value.However, there are a few Special Conditions that may be required in a few contracts. This section of the quote document allows you to choose Special Conditions that will either modify the Simple Contract Terms (the Intellectual Property Special Condition) or to supplement the ***Simple Contract Terms*** (the other additional contract Special Conditions), however these additional contract clauses will seldom be required. | [Simple Contract Terms](https://www.wa.gov.au/government/collections/written-quote-template-suite). |
| **Intellectual Property** | The Intellectual Property Special Condition should only be inserted where the Customer (your State Agency) wishes to own any Intellectual Property in the materials developed during the Contract Term.The Special Condition should not be used when only Goods are required. | If this Special Condition is selected it will override the default position in the Simple Contract Terms. The Simple Contract Terms’ default position allows the contractor to retain ownership of the Intellectual Property rights in the materials created, but gives a broad licence to the State to use the Intellectual Property.In most cases the default position will be sufficient, and the Special Condition should not be included.Please be aware that if you choose to include this Special Condition, the price offered by respondents is likely to be greater.What is Intellectual Property?Intellectual property (IP) includes all copyright and rights in relation to inventions (including patented inventions), industrial designs, registered and unregistered trademarks, plant varieties, confidential information (including trade secrets) and circuit layouts.Examples of IP that may be produced during the course of a contract include:* Computer source code (computer programs) which are considered literary works;
* Graphics or logos;
* Reports, publications, videos, multimedia goods, photographs, plans and construction drawings; and
* Patentable inventions.

IP created during a contractEven if a Customer has paid the Supplier, it does not necessarily mean that the State Agency will own any IP created in the course of that contract.Do you need to own IP?In most cases for purchases with low complexity the Customer (your State Agency) will not require the ownership of the IP. Unless you want to sell or commercialise the IP you probably don’t need to own it.When considering whether you require ownership of the IP or whether a licence will do in the circumstances, consider the extent to which your ownership could represent a cost to the Supplier, which they will build into their offered pricing. | The [IP Australia website](https://www.ipaustralia.gov.au/) has some useful information that may help you gain a better [understanding of IP](http://www.ipaustralia.gov.au/understanding-ip). |
| **Prevention of Child Sex Abuse** | If the following Special Condition is used, Restricted Premises must be defined. In most cases a Restricted Premises will be a school. | Please note that the Special Condition requires you to provide a confidential declaration form to the Supplier prior to allowing the Supplier’s personnel to enter a Restricted Premises, and to approve this form once returned. | Nil |
| **Working with Children** | This Special Condition should only be included where ‘child related work’ Services are being provided. | Please ensure that the scope requires the Supplier to perform child related work before choosing to include this Special Condition. It requires the Supplier to ensure their staff have working with children checks. The costs of these checks is likely to be passed on to you and will unnecessarily inflate the offered price if they are not actually required. | For more information on working with children checks, including a definition of ‘child related work’ please see the [Working with Children Check website](https://workingwithchildren.wa.gov.au/). |
| **Disability Access and Inclusion Plan** | This Special Condition should only be included where Services are being provided by the Supplier directly to members of the public. | *The Disability Services Act 1993* requires all local government and selected State Government agencies to develop a Disability Access and Inclusion Plan (DAIP). DAIPs assist State Agencies to plan and implement improvements to access and inclusion across seven outcome areas, in regards to Services and events, buildings and facilities, information, quality of service, complaints, consultation processes and employment. These plans benefit people with disability, the elderly, young parents and people from culturally and linguistically diverse backgrounds. | Information about [disability access and inclusion plans](http://www.disability.wa.gov.au/business-and-government1/business-and-government/disability-access-and-inclusion-plans/) may be found on the [Department of Communities, Disability Services website](http://www.disability.wa.gov.au/). |
| **Annual Paid Information Session on Workplace Rights**  | This Special Condition should only be included where ongoing security services are being provided (excluding services provided in schools or hospitals). | General Procurement Direction 2023/01 requires the inclusion of this Special Condition in all ongoing contracts for cleaning and security services with an estimated contract value of $50,000 or above, with the exception of contracts for services provided in schools and hospitals. The Special Condition allows employees to attend an information session on workplace rights, at the ordinary rate of pay once per calendar year. | [General Procurement Direction 2023/01](https://www.wa.gov.au/government/publications/general-procurement-direction-202301-annual-paid-information-session-government-cleaning-and-security-contracts)Information about the Special Condition can be found on [wa.gov.au](https://www.wa.gov.au/government/publications/annual-paid-information-session-government-cleaning-and-security-contracts).The Template – Request for Quote ([WQTS](https://www.wa.gov.au/government/document-collections/written-quote-template-suite)) is not suitable for the procurement of cleaning services. If you require a request for quote for cleaning services, use the Request for Quote – Cleaning available from [wa.gov.au](https://www.wa.gov.au/government/document-collections/goods-and-services-templates). |
| **Completion Date** | This Special Condition should only be included for maintenance works services. | This Special Condition is necessary for maintenances services contracts to specify the completion date. | Nil |
| **Delay** | This Special Condition should only be included for maintenance works services. | This Special Condition is necessary for maintenances services contracts to require the Supplier to notify the Customer if the Completion Date will be delayed. | Nil |
| **Access** | This Special Condition should only be included for maintenance works services. | This Special Condition is necessary for maintenances services contracts to outline the conditions when the Supplier can access the premises where the maintenance services are required. The Simple Contract Terms do not provide for exclusive access to any portion of the Premises. If that is required for the Goods or Services, consider a different contract form or seek advice on the work health and safety provisions that will be required to allow the Supplier its own "site" within the premises. | Nil |
| **Commencement** | This Special Condition should only be included for maintenance works services. | This Special Condition is necessary for maintenance services contracts to ensure that the Supplier does not commence work under the contract until the Customer has granted access to the premises. | Nil |
| **Building and Construction Industry Training Fund Levy** | This Special Condition should only be included for maintenance works services. | This Special Condition is necessary for maintenances services contracts when the Building and Construction Industry Training Fund Levy is applicable. | Nil |
| **Defects Liability Period** | This Special Condition should only be included for maintenance works services. | This Special Condition is necessary for maintenance services contracts to define the defects liability period and what constitutes “defective goods and/or services”.  | Nil |

### Part B – Response to Request for Quote – Goods and/or Services

Part B is designed to be largely ready to use, with the exception of drafting options in sections:

* Compliance with Simple Contract Terms;
* Pricing; and
* Imported Content and Regional Price Preferences.

Modifying the content in Part B is discouraged unless it is unsuitable for your requirements.

Respondents must complete and return Part B of the Request for Quote template. This section contains instructions to respondents and handy hints to help them when completing their offer.

Part B does, however contain the standard evaluation criteria against which the evaluation team will evaluate the offers received. You should encourage the evaluation team to familiarise themselves with the criteria.

## The Evaluation Handbook template

The Evaluation Handbook template is designed to guide evaluation team members through the evaluation process.

An Evaluation Handbook is prepared and given to each panel member to record their individual evaluation of each respondent in the Evaluation Worksheet.

The Handbook also contains a Declaration of Interest and Confidentiality. It is best practice to ask the evaluation team to sign and return the declaration to you prior to sharing the offers with the team.

Prior to giving the Handbook to the evaluation team, you should complete:

* the cover details, paragraphs 1.3 and 2.2 of the Handbook;
* the ‘Summary of Offers’ section in the Evaluation Worksheets. This includes checking whether the Respondent (and any named subcontractor) is a suspended or debarred supplier within the meaning of the *Procurement (Debarment of Suppliers) Regulations 2021*. Refer to the [Excluded Suppliers](https://www.tenders.wa.gov.au/watenders/news/browse.do?CSRFNONCE=BC47BF6C8B895C8C0C0CB75B4FF0C4AF&&ss=1) page on Tenders WA for more information. Feel free to add further lines to the table if you receive more than 4 offers; and
* the preliminary information in the ‘Offer Evaluation’ section of the Evaluation Worksheets. This includes detail about the number of offers received. Each offer received should have its own ‘evaluation table’, so add more tables into the Evaluation Worksheets if required.

Once completed, you should schedule a preliminary evaluation team meeting. At the meeting you should run through the information included in the Handbook in order to guide the evaluation team in their evaluation. At this point, you could ask the evaluation team to sign the Declaration of Interest and Confidentiality forms, and once returned, you can then distribute the offers. The Handbook should also be forwarded to the evaluation team members electronically as this will allow them to complete the Individual Evaluation Worksheets by using the drop down items included in the document.

* The evaluation team must evaluate the offers against the specification and the evaluation criteria included in the Quote. Considerations of issues outside of these parameters should be strongly discouraged as respondents cannot be evaluated against requirements that were not included in the Quote and about which they had no knowledge.

In this way the Quote establishes a ‘process contract’ or ‘pre-contract contract’ with each respondent that submits an offer. If the evaluation team departs from this established process your State Agency will be in breach of this ‘process contract’ – respondents may challenge your State Agency on this ground.

* The Request for Quote template requires respondents to nominate two references. It is best practice to seek these references prior to the evaluation of the evaluation criteria. In this way, the referee’s feedback may be incorporated into the deliberations of the evaluation team. When seeking references it’s important to ask the same questions of all of the references.

Alternatively, the referees may be used to verify the decision made by the evaluation panel. In this instance, only the referees of the successful respondent would be contacted.

In either event, it is good practice to include in the evaluation report any information, including information gleaned from referees, which informs any decision of the evaluation panel.

* For further information on the Evaluation Process see the [wa.gov.au](https://www.wa.gov.au/government/multi-step-guides/procurement-guidelines/request-development-and-contract-formation-guidelines/evaluation-of-offers-guideline).

## The Evaluation Report template

The Evaluation Report should present to the decision maker, or accountable authority, the evaluation team’s view of the offers received. It should include a recommended respondent (or respondents if more than one contract is to be awarded).

The Evaluation Report contains a lot of information which is similar to the Evaluation Handbook.

### Title and Background

You should:

* Complete the title section. Make sure the title you use here is consistent with the titles you’ve used throughout the process;
* Choose between the two quote release methods – public advertisement or invited suppliers.
* Include the quote closing date, the number of offers received and the names of all of the respondents from whom you received an offer (insert more lines if needed).

### Compliance and Disclosures

In the quote, respondents are asked to disclose key information about their business. This information is sometimes required for reporting purposes (e.g. whether the respondent is a registered Aboriginal business or Australian Disability Enterprise). Other disclosures, for example, whether any person in the business has been convicted of a criminal offence, may affect your decision to award to the respondent in certain circumstances.

In this section, if the evaluation team felt there was an issue with any respondent’s disclosures you should:

* Include the disclosures; and
* Choose between the two options, which indicate whether the offer was allowed to progress further in the evaluation or was put aside.

If the evaluation team did not consider any disclosures were material, please delete the blue text included in this section.

### Evaluation Methodology

In this section you should insert the name of your State Agency in the first paragraph.

### Findings of the Evaluation Team

There is no requirement for additional information in this section.

### Recommendation

The recommendation section contains some key information that the accountable authority or delegate may wish to know.

This includes:

* The name of the successful respondent. If you wish to award more than one contract, please ensure the names of all the successful respondents are included in this section;
* The term of the contract. You need to select between the three options presented – the selection you make must reflect the selection you included in your quote;
* The total cost for the contract term. Include any extension options if you chose to include them in your quote;
* The estimated expenditure in each financial year of the contract; and
* The details (including name and role) of the evaluation team. Please include more lines if needed.

You need to ensure that the evaluation team signs the *Evaluation Report* where indicated.

* You could save some time and present the Evaluation Report and Acceptance of Offer and Unsuccessful Letters to your accountable authority or delegate at the same time for signature.

## Appendix 1 - Consensus evaluation worksheet

In this section you should replicate a lot of the information in the Evaluation Handbook – the only difference being that the details included to justify your decision should be justifications discussed and agreed by all members of the evaluation team – not by individuals within the evaluation team.

* Make sure you include enough information in the justification section of the appendix so that the evaluation team chairperson will be able to properly debrief any respondent who requests a debrief. Please ensure any claims made about the respondent’s offer in this section can be traced back to the respondent’s offer.
* Where a respondent requests a debrief, please ensure the chairperson does not disclose any information from another respondent’s offer. The information the chairperson provides should focus on how the respondent could improve their offer next time.
* It is good practice to ensure that the chairperson does not debrief a respondent without another member of the evaluation team present.

## Acceptance of Offer Letter

The *Acceptance of Offer* letter is the letter you send to award your contract. It forms part of your contract (along with the Quote, the successful respondent’s offer and the *Simple Contract Terms*).

You should:

* Save the contents of the letter on to your State Agency’s letterhead;
* Include your reference details and enquiries information at the top of the letter;
* Include the addressee details; and
* Include the number and title of the quote.

The first paragraph of the letter makes it clear that you are accepting the successful respondent’s offer. You need to include the name of your State Agency and the name of the successful respondent.

The second paragraph of the letter requires you to insert the contract commencement date. The ‘Contract Commencement Date’ should be the date the implementation obligations start; that is, if the contractor is required to perform any obligation, including transition-in obligations, if any.

The rest of the letter addresses contract management issues. It is very important that an appropriate contract manager is nominated for the contract. Section (a) includes a list of responsibilities that should be tailored for each contract. Please choose the responsibilities relevant to your contract and delete the others.

Section (b) requires you to include your address for invoices.

In order to complete the letter you should:

* Enter your name and contact details in the final paragraph; and
* Include the name of your accountable authority or delegate. This is the person in your State Agency with the authority to enter into contracts on behalf of the State Agency. Please consult your State Agency’s delegation register for more information.

## The Unsuccessful Letter

The Unsuccessful Letter is the letter you send to all unsuccessful respondents.

In completing the letter you should:

* Save the contents of the letter on to your State Agency’s letterhead;
* Include your reference details and enquiries information at the top of the letter;
* Include the addressee details;
* Include the number and title of the quote; and
* Include the successful respondent’s name and total contract value or total estimated contract value of the successful respondent.

In order to complete the letter you should:

* Enter your name and contact details in the final paragraph; and
* Include the name of your accountable authority or delegate. This is the person in your State Agency with the authority to advise unsuccessful respondents on behalf of the State Agency. Please consult your State Agency’s delegation register for more information.

# Using Tenders WA

Tenders WA is a website that performs a range of functions, which help make the tendering process for WA Government contracts transparent and efficient. It is the central source of information on Western Australian public sector requests and awarded contracts.

It is highly recommended you use Tenders WA to issue quotes and receive offers. You must also record awarded contracts on Tenders WA if the contracts are valued at $50,000 or above.

You must be registered to use Tenders WA. If you are not already registered please contact procurementsystems@finance.wa.gov.au.

Tenders WA also has information to assist you through the Written Quote process. Information can be found in the [Library Documents](https://www.tenders.wa.gov.au/watenders/library/browse.do) on the [Tenders WA website](https://www.tenders.wa.gov.au/watenders/index.do).