



Guideline Supporting General Procurement Direction 2023/02

Managing Works Projects Other Than Non- Residential Buildings

October 2023

TRIM 06121974



Contents

Introduction	3
1. What is a Customer Agency and Delivery Agency?	3
2. When does the Procurement Direction apply?	3
3. Process to follow	4
4. Considerations.....	5
4.1 Customer Agencies	5
4.2 Delivery Agencies.....	5
4.3 Joint Responsibilities	5
5. Further Information and advice	6
Appendix A – Delivery Agency Contact Details.....	7

Guideline Supporting General Procurement Direction 2023/02

Introduction

General Procurement Direction 2023/02, effective on 30 October 2023, outlines the requirement for State agencies to seek support for works procurements, other than non-residential buildings, where the State agency does not have the authority to independently undertake these works procurements.

The Procurement Direction supplements WA [Procurement Rule C1](#), which requires State agencies to involve the Department of Finance (**Finance**) in works procurements from planning activities onwards unless the agency is authorised to undertake the works without Finance's involvement.

Finance delivers non-residential building infrastructure projects including schools, health facilities, fire stations and prisons.

General Procurement Direction 2023/02 provides direction to State agencies in relation to works procurements, other than non-residential buildings, such as roads, bridges and residential buildings.

1. What is a Customer Agency and Delivery Agency?

For the purposes of General Procurement Direction 2023/02:

Customer Agency refers to a State agency seeking to procure works, which does not have the authority to undertake the required works either under:

- statutory powers in enabling legislation; or
- an Agency Specific Procurement Direction.

Delivery Agency refers to a State agency or other Western Australian government entity that has expertise and the enabling power to procure the required works.

Refer to [Procurement Rule C1](#) for a list of State agencies with enabling legislation to undertake works.

2. When does the Procurement Direction apply?

The Procurement Direction applies to all relevant procurement processes that are released to the market on or after 30 October 2023.

If a Customer Agency needs to procure works, other than non-residential building works, and does not have the authority to undertake those works:

- they must seek support from a relevant Delivery Agency; and
- in order to satisfy the requirements of [Procurement Rule C1](#), inform Finance within 30 calendar days of the commencement of their arrangement with the Delivery Agency.

This General Procurement Direction does not impact the authority of the Customer Agency to procure works, therefore the Delivery Agency will be the principal to the contract(s).

Please note that this Procurement Direction applies to arrangements between State agencies and other Western Australian government entities (e.g. State agencies or Government Trading Enterprises). It does not apply to arrangements between State agencies and federal, other state or local government organisations.

3. Process to follow

Customer Agencies and Delivery Agencies should follow the process outlined below when establishing an arrangement under General Procurement Direction 2023/02:

1. The Customer Agency contacts the Delivery Agency via the contact details listed in Appendix A (Delivery Agency Contact Details) of this guideline.
2. The Delivery Agency and the Customer Agency work directly together to progress the project.
3. Within 30 calendar days of the commencement of the arrangement with the Delivery Agency, the Customer Agency must inform Finance (via ProcurementAdvice@finance.wa.gov.au). This will be considered sufficient to demonstrate compliance with Procurement Rule C1. The Customer Agency must provide Finance with:
 - a brief summary of the project;
 - the estimated contract value;
 - contract delivery point; and
 - the estimated completion date.

In exceptional circumstances where the Delivery Agency is unable to provide the required services to the Customer Agency (due to either capacity or capability), the Delivery Agency should notify their [Department of Finance customer contact](#). Finance will then work with the Customer Agency to determine the best possible solution on a case-by-case basis.

4. Considerations

Customer Agencies and Delivery Agencies have individual and joint responsibilities when establishing arrangements under General Procurement Direction 2023/02. The key considerations and responsibilities are outlined below.

4.1 Customer Agencies

Customer Agencies should undertake appropriate planning as far in advance as possible to ensure sufficient time is available to establish an arrangement with the Delivery Agency. This is particularly important given the Delivery Agency will need to plan how to factor in the Customer Agency's requirements with their own priorities and capacity. Where relevant, these procurements should also be recorded in the Customer Agency's Strategic Forward Procurement Plan (see [Procurement Rule F6](#)).

When planning this type of procurement, Customer Agencies should consider:

- ongoing maintenance costs
- ongoing management of the asset
- impacts of the [Strategic Asset Management Framework](#).

4.2 Delivery Agencies

The Delivery Agency:

- may negotiate rates with Customer Agencies for the service to be provided, depending on the circumstances of each engagement;
- may require Customer Agencies to enter a Memorandum of Understanding for each project; and
- will conduct the procurement in accordance with the procurement framework applicable to the Delivery Agency (e.g. a Delivery Agency that is not bound by the WA Procurement Rules, for example, because it is not a State agency, will follow the procurement framework applicable to that Delivery Agency).

4.3 Joint Responsibilities

Both the Customer Agency and the Delivery Agency:

- are jointly responsible for managing (and are accountable for) procurement process and project risks;
- need to determine who is the principal to the contract (generally this will be Delivery Agency); and
- are responsible for dispute management between themselves and industry.

5. Further Information and advice

Agencies can seek further advice from Finance by contacting the Government Policy and Strategy team at ProcurementAdvice@finance.wa.gov.au.

Appendix A – Delivery Agency Contact Details

DELIVERY AGENCY	WORKS EXPERTISE	CONTACT DETAILS
Department of Communities	Construction and refurbishment of facilities such as domestic violence facilities, Aboriginal short stay facilities, mental health facilities, autism homes and facilities, residential homes including purpose-built homes for people with spinal injuries, worker housing, remote community Aboriginal housing, North West Aboriginal housing spec homes, Seniors' housing.	Name: Graham McCafferty Email: Ops_Procurement@communities.wa.gov.au
Department of Transport	Marine and coastal infrastructure such as jetties, breakwaters and dredging.	Name: John Miller Email: pfmcontracts@transport.wa.gov.au Phone: (08) 6376 0189
Main Roads	Roads and bridges Note: <i>Main Roads has a presence across the State and depending on where the works are located this will require specific dialogue with Main Roads' regional offices, which will be arranged after making contact with the Program Management Office.</i>	Name: PMO Services (current contact: Rachel Anderson) Email: PMO@mainroads.wa.gov.au Phone: (08) 9323 6365
Public Transport Authority	Rail and bus infrastructure	Name: Robyn Lamont Email: procurementenquiries@pta.wa.gov.au Phone: (08) 9326 2474

DELIVERY AGENCY	WORKS EXPERTISE	CONTACT DETAILS
Water Corporation	Water services infrastructure related to wastewater, drainage and irrigation. Note: <i>Water Corporation doesn't complete works on the customer's side of the water meter.</i>	Name: Lijun Mo Email: Lijun.mo@watercorporation.com.au Phone: 0476 832 165
Western Power	Refer to Western Power's Products and Services page for information on the types of products and services offered.	Contacts: Products and Services page

The Department of Finance may be able to support agencies in regional areas, that do not have authority to procure works, with work procurements other than non-residential buildings valued at less than \$250,000 (including GST). Please refer to contact details available on the [Agency Procurement Services Contact](#) page on WA.gov.au.