



Department of
**Energy and Economic
Diversification**

Western Australian Industry Participation Strategy (WAIPS)

Operations Guide

February 2026

Contents

1. Overview	2
2. Agency and Supplier Obligations under the Act.....	3
3. Coverage	3
4. Key Requirements of WAIPS	4
4.1. WAIPS Portal.....	4
4.2. Participation Plans	4
4.3. Participation Plan Reporting	8
4.4. Strategic Projects.....	9
4.5. Exemptions	10
4.6. Regional Procurement	17
4.7. Grants.....	17
4.8. Value for Money.....	18
4.9. Agency Panel Contracts and Common Use Arrangements (CUAs)	18
4.10. Imported Content Impost.....	18
5. Key Focus of WAIPS	18
6. Related Procurement Requirements and Policies	19
6.1. Procurement Act.....	19
6.2. Western Australia Buy Local Policy	19
6.3. Annual Reporting of WAIPS Outcomes	20
7. Implementing WAIPS Across the Procurement Cycle	20
8. Compliance and Audit.....	20
9. Assistance.....	20
10. Trade Agreements and Section 92 of the Australian Constitution	21
11. Feedback.....	21
12. Contact Information.....	21
13. Terms Used	22
Appendix A Tender and Contract Model Clauses	24

1. Overview

The Western Australian Government spends over \$32 billion annually on a range of goods, services, and works. This expenditure can generate positive external outcomes for the State, including job creation, workforce development, and improvements and diversification of supply chains. Through the *Western Australian Jobs Act 2017* (WA Jobs Act) and the Western Australian Industry Participation Strategy (WAIPS), there is a focus on these broader impacts on the Western Australian economy. Additionally, emphasis is given to the involvement of WA-based small- and medium-sized enterprises (SMEs).

WAIPS 2024 was developed based on the successes of WAIPS 2020. WAIPS 2024 is a flexible strategy, and updates are communicated through addendums which currently include the following which are available on the WAIPS 2024 website:

- Innovation through Procurement
- Direct Sourcing for WA Manufacturing
- WAIPS Training

This Operations Guide serves as a reference document for [WAIPS 2024](#) and should be read in conjunction with the WAIPS 2024.

Related Documents

The WAIPS Operations Guide is part of a group of documents supporting the Strategy and includes the following hyperlinked documents.

- [Western Australian Jobs Act 2017](#)
- [Western Australian Jobs Regulations 2018](#)
- [Western Australian Industry Participation Strategy 2020](#) (replaced by WAIPS 2024)
- [Western Australian Industry Participation Strategy 2024](#)
- [How to complete a WAIPS Participation Plan](#)
- [Agency Guidelines for Assessment of a Participation Plan](#)
- [WAIPS 2024 Addendums](#)

Further information is also available at [WA Industry Link](#)

2. Agency and Supplier Obligations under the Act

Agencies are required to meet the requirements of the WA Jobs Act and WAIPS. Therefore, for any WAIPS supply by an Agency, the requirements outlined in WAIPS 2024 and this Operations Guide apply.

3. Coverage

The scope of WAIPS is detailed in the WA Jobs Act and WAIPS 2024, and applies to:

- Agencies as detailed in Schedule 1 of the Financial Management Act 2006, including government trading entities, departments, sub-departments and statutory authorities.
- The WA Jobs Act covers public/private partnerships.
- Procurements above the defined threshold values are referred to as WAIPS supply. The thresholds are detailed in Section 4.2.

WAIPS 2024 specifies where a procurement is not a WAIPS supply and WAIPS also does not apply to:

- Universities and local governments.
- Purchases of proprietary software packages that are not customised and purchased without modification or a significant ongoing service delivery role.
- Commercial leases and commercial transactions between state government agencies.
- Inter-agency transactions including the supply of retail electricity services.
- Market led proposals
- Arrangements between state and commonwealth agencies.
- Grants

Delivering Community Services in Partnership Policy (DCSP)

As detailed in the Western Australia Jobs Regulations 2018, WAIPS does not apply to procurements which occur under the Department of Treasury and Finance [Delivering Community Services in Partnership Policy](#) (DCSP) Policy. Procurements completed under the DCSP are not considered a WAIPS supply and an exemption application isn't required. Reporting was previously required but is no longer required by the procuring agency.

Further information on the DCSP policy is available at [General Procurement Direction 2025/10 – Delivering Community Services in Partnership Policy](#).

4. Key Requirements of WAIPS

WAIPS includes a number of measures designed to maximise opportunities for Western Australian SMEs through government procurement. For further details, refer to the [WAIPS 2024](#) document as well as this Operations Guide. The following sections are particularly relevant for agencies.

4.1. WAIPS Portal

The WAIPS Portal was launched in July 2024 and streamlines the WAIPS requirements for agencies and Suppliers. It manages and supports the completion and submission of the following:

- Participation Plans by prospective Suppliers as part of Request submitted to Agency;
- Participation Plan reporting by Suppliers;
- exemption applications by Agencies (to remove the requirement for a Participation Plan); and
- exemption reporting by Suppliers.

Further information on using the WAIPS Portal is available at [WA Industry Link: WAIPS Portal information for agencies](#).

4.2. Participation Plans

Agency Procurement

During the tender development and issue phases of the procurement cycle, a tender that meets the value thresholds outlined in the table below is classified as a WAIPS supply.

WAIPS Supply	
Type of Procurement	Threshold
Goods and Services – Regional contracts	\$500,000 and above
Goods and Services – Metropolitan contracts	\$1 million and above
Works – Regional contracts	\$500,000 and above
Works – Metropolitan contracts	\$3 million and above

For whole of WA procurements (rather than metropolitan or regional only), the appropriate threshold is determined by if the spend is predominantly metropolitan or regional. Regional is defined in Section 13 Terms Used.

When an Agency is procuring a WAIPS supply, the Agency is required to include information on the WAIPS participation plan requirement and a link to the relevant Participation Plan template (generated from the WAIPS Portal) in the tender request documentation. This ensures the correct Participation Plan is completed and submitted by Prospective Suppliers as part of their offer.

Type of Participation Plan

The requirements for the Participation Plan to be completed vary depending on the value of the WAIPS supply, as detailed in the table below:

Types of Procurement	Location in WA	Core Participation Plan	Full Participation Plan
Goods and Services	Metropolitan area	\$1 million - \$5 million	Above \$5 million
Goods and Services	Regional areas	\$500,000 - \$5 million	Above \$5 million
Housing and Works (new builds, refurbishments, alterations, maintenance contracts)	Metropolitan area	\$3 million - \$10 million	Above \$10 million
Housing and Works (new builds, refurbishments, alterations, maintenance contracts)	Regional areas	\$500,000 - \$5 million	Above \$5 million

The information requested depends on the type of Participation Plan.

Core Participation Plan	Full Participation Plan
<p>The Prospective Supplier will be required to estimate workforce numbers, demonstrate how they will generate local economic benefits, and demonstrate how they will provide full, fair and reasonable opportunities to local industry.</p> <p>Additionally, the Prospective Supplier provides details of any intended subcontractor packages above \$20,000.</p>	<p>The Prospective Supplier will be required to estimate workforce numbers, demonstrate how they will generate local economic benefits, and demonstrate how they will provide full, fair and reasonable opportunities to local industry.</p> <p>Additionally, the Prospective Supplier provides details of any intended subcontractor packages above \$100,000.</p> <p>The Prospective Supplier also completes Part B Question 5 (mechanisms to ensure full, fair and reasonable opportunity for local subcontractors) and 6 (standards being specified to subcontractors).</p>

The WAIPS Portal generates the relevant Participation Plan template for agencies based on the value and location of the tender as indicated by the Agency when preparing the Participation Plan requirement. The final value is not visible to Prospective Suppliers and based on the timing in the procurement cycle, a best estimate is acceptable.

Evaluation Requirements

The Agency evaluates the Participation Plan as part of the overall tender evaluation.

Weighted Qualitative Criteria

The Participation Plan must be weighed at either 10% or 20% of the qualitative evaluation criteria within a tender for a WAIPS supply. The weighting is at the Agency’s discretion and should align with the objectives and principles of the WA Jobs Act (Sections 7 and 8).

In determining the weighting, the Agency should consider:

- the estimated value of the contract;
- the contract delivery location;
- the anticipated degree of realisable benefits as defined by Section 7 of the WA Jobs Act;
- the potential for technology transfer/upgrade;
- the relationship of the contract to innovation;
- the capacity of the contract to generate further investment and business activity; and

- whether the contract will highlight to the international business community the State’s attractiveness as a potential investment and trade partner.

If the Agency chooses to evaluate tenders based solely on compliance criteria (e.g. price-based decisions), Prospective Suppliers should continue to submit a Core Participation Plan as part of their offer.

How to Assess a Participation Plan

The procuring Agency evaluates Participation Plans in a similar manner to other qualitative criteria. Further information is available in the [Agency Guidelines for Assessment of a Participation Plan](#).

The Participation Plan comprises:

- Section A (quantitative); and
- Section B (qualitative).

Section A is not scored, but its completeness is important for reporting purposes. If a Prospective Supplier does not fully complete Section A and/or Section B, the Agency may, at its discretion, reject or refuse to evaluate the offer.

Section B has been developed to align with the objectives of the WA Jobs Act. The responses in this section are therefore essential to supporting the aims of local sourcing and the WA economy.

DEED may be involved in the evaluation of Participation Plans when invited by the procuring Agency. This usually occurs in relation to strategic projects. For more information on what constitutes a strategic project, refer to [Strategic Projects](#).

Participation Plans received outside of the WAIPS Portal

Agencies must ensure Participation Plans and Participation Plan Reports are completed and submitted through the WAIPS Portal. The WAIPS Portal provides structured forms, automated reminders, and consistent data capture that cannot be replicated through manual submissions. Participation Plans received outside the Portal should only occur in exceptional circumstances.

Where a Participation Plan is received manually, the Agency evaluates the Participation Plan as part of the assessment process. If this Prospective Supplier is successful, the Agency:

- provides a copy of the Participation Plan to DEED to be manually recorded in the Portal; and
- ensures the Supplier registers for the WAIPS Portal so that reporting can be completed through the Portal at contract completion. This should occur early in the contract to avoid delays, incomplete reporting and reduced data quality.

Participation Plans are not provided by the Prospective Supplier

Where a Prospective Supplier does not provide a Participation Plan, the Agency should continue to evaluate the bid. If the contract will be awarded to the Prospective Supplier, DEED recommends that a Participation Plan is completed.

Communicating the Participation Plan of the Successful Supplier

The Agency is required to ensure that the successful bidder's Participation Plan is submitted to DEED via the WAIPS Portal no later than two months after the contract is awarded. Instructions for submitting the successful bidder's Participation Plan to DEED via the WAIPS Portal can be found here: [WAIPS Portal: Submit a successful bidder's Participation Plan](#).

Contract Requirements and WAIPS Tender and Model Clauses

If the Agency is using Department of Treasury and Finance templates, it should ensure WAIPS-related clauses are included in the procurement and contract documentation.

If the Agency is using alternative procurement and contract documentation, it may refer to [Appendix A](#) developed by DEED for guidance on wording for WAIPS Participation Plans and Participation Plan reporting obligations.

4.3. Participation Plan Reporting

The reporting of outcomes from Agency procurement is critical to the objectives of WAIPS and the Government. Therefore, agencies are required to ensure that WAIPS supply contracts include an obligation for Suppliers to report on the achievement of their Participation Plan commitments at the end of a project.

Participation Plan reporting is completed by the Supplier through the WAIPS Portal. Reminder emails are sent to the Supplier (and the Agency contact) with a link to the reporting template. The template is also available in the WAIPS Portal under the Participation Plan Reporting tab.

The report captures the actual outcomes of the estimated quantitative information provided by the Supplier in the Participation Plan they submitted at the time of tender. The Supplier must submit the report within 2 months of practical completion of the contract. The report is submitted by the Supplier to the Agency using the WAIPS Portal, enabling DEED to view the information and aggregate it for reporting to Government.

If a contract is terminated, participation plan reporting is still required where the contract duration was greater than 12 months. If the contract duration is under 12 months, a Participation Plan Report isn't required. Also, cancel the requirement for a participation plan [Cancel a participation plan requirement](#) to on the WAIPS Portal.

Further information is available on the WA Industry Link website under [WA Industry Link Information for businesses](#).

4.4. Strategic Projects

A strategic project is an Agency supply opportunity that has the potential to generate additional significant economic activity consistent with the WA Jobs Act. Refer to WA Jobs Act 2017 and WAIPS 2024 for further detail on strategic projects and how they are of significant value to the WA economy.

Strategic projects provide the opportunity to incorporate within the industry participation plan a particular outcome or outcomes sought by government. The amendment to the participation plan would include an additional section within Part B of the participation plan which outlines the particular outcomes sought and ask Prospective Suppliers whether this outcome is achievable and if so, how it will be realised by them. Examples include a specific local content or employment target.

Information on the current WAIPS Strategic Projects is available at [WAIPS Strategic Projects](#).

Process for a Strategic Project

Through the WA Jobs Act, the Minister for State Development (Minister) can determine a project as a strategic project.

The Minister may consider various factors for approving a strategic project including value, location, project duration, links to market opportunities, ability to demonstrate WA's economic attractiveness, provision of infrastructure, social and community outcomes, innovation, import replacement opportunities, skills/knowledge transfer and investment in WA.

The approaches for approval/determination include:

1. Agency notifies DEED that the project may be suitable for determination as a strategic project. DEED then consults with Agency and prepares advice for Minister for State Development; or
2. Agency notifies Minister (for procurement Agency) that the project may be suitable for determination as a strategic project. The Minister (for procurement Agency) then advises the Minister for State Development. After referral from the Minister for State Development, DEED consults with the Agency and prepares subsequent advice to the Minister for State Development; or
3. DEED considers the project may be suitable for determination as a strategic project. DEED consults the Agency for the project and prepare advice to the Minister for State Development; or

4. The Government initiates through the Minister for State Development. The Minister for State Development advises the Minister (for procurement Agency).

Once the Minister for State Development has approved the project as a WAIPS Strategic Project, the Minister (for procurement Agency) would be advised and DEED would liaise with Agency.

DEED can provide support in the evaluation process of Participation Plans for strategic projects.

Regional Strategic Projects

WAIPS includes a subset for regional strategic projects. The Minister for State Development may determine a regional strategic project based on factors such as value, duration, location, diversification or other economic and community benefits. The process for a regional strategic project follows the same procedure as a strategic project.

4.5. Exemptions

Refer to [WAIPS 2024](#), Section 4.5 Exemptions, for further details.

The WA Jobs Act allows conditional exemptions from the requirement for an Agency to include the requirement for a Participation Plan in a Request (and therefore for prospective Suppliers to submit a Participation Plan when they are responding to a request).

Exemptions are granted by the Deputy Director General, Science and Innovation, Industry and Corporate Capability of DEED, under the authority delegated to them by the Minister.

An Agency should consider whether a potential goods, services or works contract qualifies as a WAIPS supply during the planning phase of the tender process (refer to Section 4.1 Tender Planning in [WAIPS 2024](#)). At this stage, an Agency should also consider whether an exemption to the requirement for a Participation Plan is merited.

Also refer to [3. Coverage](#) for arrangements which aren't considered WAIPS Supply and therefore applying for an exemption would not be required.

Exemption Categories

Exemptions are applied for and approved based on the following specified categories. These categories have been developed considering the objectives of the WA Jobs Act and whether there would be benefit in completion of a Participation Plan for this type of procurement.

Classified and Sensitive

A procurement that contains information requiring protection and security because it has or could have an impact on national interest, including:

- National security – protection from espionage, sabotage, politically motivated violence, promotion of communal violence, attacks on Australia’s defence system, acts of foreign interference and the protection of Australia’s territorial and border integrity from serious threats
- International relations – significant political and economic relations with international organisations and foreign governments.
- Law enforcement operations where compromise could hamper or make useless crime prevention strategies or particular investigations, or endanger personal safety
- Classified and sensitive examples include, but are not limited to: the procurement of firearms, emergency services procurement in relation to counter-terrorism.

Overseas Expertise in specialised equipment

The acquisition of specialised equipment that is not manufactured in Australia and where the acquisition is 90% or greater of the estimated contract value. Examples include medical equipment such as MRI machines and some specialised industrial vehicles.

Sole Source

A procurement where there is:

- Only one known source for supplies or services as determined by documented research.
- No other reasonable alternative source exists that meets the procuring Agency’s requirements.
- Only one source meets the needs of the procuring Agency.

This category aligns to the Agency process for the approval of the procurement as sole source (not just for WAIPS purposes) by the relevant delegated authority.

Examples include systems/product maintenance (e.g. additional licences, updates, replacement parts), information technology and laboratory equipment.

Must be Performed in Western Australia

Where the nature of the procurement is such that:

- It must be performed within Western Australia;
- Estimated local participation is at 90% or greater; and
- There is little or no variation anticipated between offers to supply.

Examples include repair or maintenance of property or site preparation.

Must be Performed overseas

A small number of procurements are for overseas services. Examples include maintenance of an overseas office and tourism marketing in overseas markets.

Common Use Arrangements (CUAs) and Agency Panel Arrangements

Agencies must formally seek an exemption for the head agreement. Once approved, Prospective Suppliers will in most cases be exempted from the requirement to include a Participation Plan in their offer to establish the arrangement.

Agencies must ensure the additional information relating specifically to the CUA/panel in the exemption application is fully completed including the extension options and the buying rules.

It may be possible that an individual procurement as part of a panel or CUA may exceed the WAIPS threshold. For this type of exemption a participation plan should be included in the weighted criteria in the selection process for individual procurements that:

- meet the WAIPS threshold requirements; and
- the panel buying rules specify that the procurement must go to competitive tender (from panel members or open).

Unique Circumstances

Where the procurement doesn't fit one of the defined exemption categories, the Agency must demonstrate that there will be little or no benefit to the State to request a Participation Plan as part of the procurement process.

Examples include where a government entity is expected to response to another government entity's open tender.

Exemption Process

Agencies apply for exemptions using the WAIPS Portal.

Once an exemption application is received by DEED, it is reviewed to ensure it satisfies the criterion for the selected exemption category. Any queries are generally addressed by DEED within the first few business days of receipt. The application is then progressed to senior management for approval, and ultimately to the Deputy Director General, Industry, Science and Innovation at DEED.

Agencies must submit the exemption application at least **15 working days** prior to the estimated date of tender. If 15 working days is not provided to DEED, Agencies must delay the publication of the tender.

If the exemption application is approved:

- The Agency will receive an email advising the exemption application is approved.
- The Agency does not need to request a Participation Plan as part of the tendering process and will remove the Participation Plan component of the weighted assessment.
- Details of the exemption are published on the DEED website.

If an exemption application is not approved, the tendering process will be fully subject to WAIPS and the Agency will be required to request Participation Plans from prospective Suppliers.

Each exemption is granted on the condition that the Supplier provides an exemption report covering employment, skilling and local content at the conclusion of the contract.

Retrospective Exemption Applications

Exemptions are not granted retrospectively and where an application is received for a tender already advertised, it will not be approved. **IMPORTANT NOTE:** Where the value of a contract is anticipated to be slightly less than the relevant WAIPS threshold and there is a reasonable possibility that bids may exceed the threshold, it is advisable for the Agency to include the requirement for reporting as a contractual obligation.

If the value of the awarded contract exceeds the anticipated value which results in the contract meeting the WAIPS threshold requirements

In this situation, the Agency is required to:

1. Insert the following clause into the Offer and Acceptance letter obliging the Prospective Supplier to complete exemption reporting at the practical completion of the contract:

WA Industry Participation Exemption Reporting

The (supplier contact) from (insert supplier) is to register for the WAIPS Portal, via <https://waips.industrylink.wa.gov.au/>. Once registered, the Portal will send the Supplier an exemption report reminder at contract completion. Additional instructions for the supplier can be found at [How to set up an account](#). Further information on reporting and compliance can be found at [WA Industry Link: Western Australian Industry Participation Strategy](#)

2. Notify DEED of the procurement so the procurement can be recorded in the WAIPS Portal. This will ensure reporting can occur at the end of the project. The following procurement information should be emailed to industrylink@wa.gov.au:

- Contract Reference
- Contract Title
- Supplier(s)
- Contract Value (including GST)
- Contract Start Date
- Contract End Date

Agencies that consistently do not follow this process will be named in the Industry Link Annual Report which is tabled in Parliament.

If an Agency awards a WAIPS supply contract without a Participation Plan or an exemption approval

In this situation, the Agency must notify DEED at industrylink@jtsi.wa.gov.au so the WAIPS Portal can be updated accordingly, and include in the contract documentation a requirement for the successful tenderer to complete exemption reporting at the practical completion of the contract.

The Agency must provide the following procurement information to DEED:

- Contract Reference
- Contract Title
- Supplier(s)
- Contract Value (including GST)
- Contract Start Date
- Contract End Date
- The Agency contact officer email

Agencies that consistently do not follow process will be named in the Industry Link Annual Report, which is tabled in Parliament.

If through variation a contract exceeds the WAIPS threshold requirements

If a procurement is initially under the WAIPS threshold but, through variation, subsequently exceeds the threshold, the Agency must email DEED (industrylink@jtsi.wa.gov.au) with the procurement information (so the WAIPS Portal can be updated). If not already covered

in the contract documentation, the Agency updates the documentation to specify that the Supplier must complete exemption reporting.

If a Request is prepared which is expected to be marginally below the WAIPS threshold and a pre-emptive exemption is prepared, and the awarded value is ultimately below the threshold, the Agency cancels the approved exemption. The exemption is cancelled in the WAIPS Portal or by emailing the request to cancel to industrylink@jtsi.wa.gov.au.

Standing Exemptions

Standing exemptions are an arrangement available for repetitive and frequent procurement arrangements that align with one of the exemption categories. Standing exemptions can reduce administrative requirements, as they remove the requirement for agencies to repeatedly apply for the same type of exemption.

While a standing exemption streamlines the exemption application process, reporting is still required for each exempted procurement undertaken through the standing arrangement.

Standing Exemption Process – Initial Setup

To request a standing exemption, the Agency completes a Standing Exemption Application Letter. Further information is as below and at [Request a Standing Exemption](#).

The Agency submits a standing exemption application letter for approval to DEED by emailing industrylink@jtsi.wa.gov.au. DEED will advise the Agency if the standing exemption is approved.

Standing Exemption Process – Individual Procurements under the Standing Exemption

For each individual procurement being sought under the approved standing exemption:

- The Agency applies for an individual exemption in the WAIPS Portal prior to the tender being released (select the “Standing Exemption” option). Once the exemption is approved in the WAIPS Portal, the Agency contact will receive an “approved” email containing a unique link.
- Following contract award, the Agency shares the unique link with the Supplier (the link is also available in the WAIPS Portal).
- The Supplier creates a WAIPS Portal account and follow the link to register for exemption reporting against the contract.
- At contract completion the Supplier will receive an emailed reminder to complete the report for the individual procurement.

Exemption Reporting

Exemption reporting is critical to the objectives of WAIPS, and agencies are required to provide information to DEED at the conclusion of each project for which an exemption was approved. An approved exemption only removes the requirement for a Participation Plan as part of the WAIPS supply. Reporting must still be completed for employment, training and local sourcing.

Exemption reporting is required in all circumstances, except where a breach of confidentiality may occur. This includes situations where local sourcing, jobs or apprenticeships are minimal.

For standing offers (CUA and Agency panel arrangements), exemption reporting is similarly required. A report must be submitted by each Supplier on the panel at the end of the term of the standing offer. All Suppliers must submit a report, regardless of the value of their individual contracts, for aggregation by the Agency managing the contract. WAIPS thresholds are not relevant once the standing offer is operational, for example, a Supplier who was awarded a \$50,000 contract under the standing offer is still required to report on their data.

If a contract is terminated, exemption reporting is still sought if the contract duration was greater than 12 months. If the contract duration is under 12 months, an exemption report isn't required. Refer to [Cancel exemption request](#) to cancel the exemption on the WAIPS Portal.

Exemption Reporting Process

If exemption approval has been granted for a WAIPS supply, the following exemption reporting process is followed:

- The Agency will receive an email from the WAIPS Portal notifying of the exemption request approval. This email will include a registration link, which the Agency forwards to the Supplier to enable them to register for reporting against the relevant contract.
- The Agency includes a WAIPS exemption reporting clause in the contract with the Supplier, requiring a report to be completed via the WAIPS Portal at the conclusion of the contract.
- Based on the exemption application, the WAIPS Portal will automatically send the Supplier (and the Agency contact) an email with a link to complete a final report at the end of the contract.
- The Supplier completes the exemption report via the WAIPS Portal within 2 months of the practical completion of the contract.
- The Agency receives an email notification once the Supplier has completed the exemption report and can view the submitted report via the WAIPS Portal.

Emergency Event Exemption

WAIPS does not apply to items procured during an emergency.

The [Emergency Management Act 2005 \(WA\)](#) defines an emergency as “the occurrence or imminent occurrence of a hazard which is of such a nature or magnitude that it requires a significant and coordinated response”. Refer to the Act for the criteria for an event to be classified as an emergency.

If an emergency related procurement is required, no communication or further action in relation to WAIPS is required.

4.6. Regional Procurement

WA Buy Local Policy 2022

The Western Australian Buy Local Policy 2022 (WABLP) was released in April 2022 and can be found on the [WA Industry Link website](#). The policy includes Regional Price Preferences (RPPs), which are integral to both WAIPS and non-WAIPS supply items in the regions. Agencies must be familiar with this policy and its application as part of their responsibilities under the WA Jobs Act.

Through the inclusion of aspects of the WABLP in WAIPS, these aspects are a mandatory requirement for all government agencies, including Government Trading Entities.

Note that the purpose of the RPPs is to support regional bids when in competition with bids from the Perth metropolitan area or other areas outside the designated distance threshold. In cases where bids are received from interstate and/or overseas, the RPPs cannot be applied.

If the situation occurs where interstate/overseas bids have not been shortlisted, the RPPs can be re-introduced for evaluation purposes. Additionally, increased emphasis will be given to investigating and eliminating bids deemed to circumvent the proper application of the RPP (e.g. shop front bids).

4.7. Grants

Grants are no longer to be managed under WAIPS and are not treated as a WAIPS supply. This includes funding arrangements for the construction or refurbishment of capital infrastructure or facilities exceeding \$5 million (including GST).

For any grants currently being treated as a WAIPS supply, clauses are no longer required, and a WAIPS grants report is no longer required to be submitted to DEED.

4.8. Value for Money

Value for money is a primary consideration for Agency procurement and the evaluation should consider financial and non-financial factors.

The application of value for money should support sourcing decisions which reflect whole of life costs, risk management, ease of communication, ease of inspection, ease of supply, ease of after sales service, and economic and social outcomes.

4.9. Agency Panel Contracts and Common Use Arrangements (CUAs)

Standing offers in the form of Agency panel contracts and CUAs can offer price-savings and other efficiencies, such as ease of ordering and risk mitigation. These forms of procurement can have mandatory applications and long contract periods (including extensions), which limit the refreshment of the panel and restrict access for new Suppliers.

[WAIPS 2024](#) details best practice parameters for this form of contracting, and agencies are encouraged to review these guidelines and consider implementing and monitoring them in their procurement practices.

4.10. Imported Content Impost

The Imported Content Impost is non-mandatory and may be applied at the Agency's discretion, depending on the analysis of potential impact. It must be clearly outlined in the tender request document, with further detail provided in [WAIPS 2024](#).

5. Key Focus of WAIPS

WAIPS 2024 was developed with 4 key focus areas for further investigation: The key focus areas are Innovation through procurement, Health and medical services, Digital technology and Environmental/climate change

WAIPS 2024 has also been developed to be a flexible document and able to be updated through addendums to the WAIPS 2024 document, and operational changes will be clarified in this Operations Guide.

Currently, 3 WAIPS 2024 Addendums have been published at [WAIPS 2024](#) as follows:

- Innovation through Procurement
- Direct Sourcing in WA Manufacturing
- WAIPS Training

Further addendums are under development including Digital Technology, Steel Fabrication, Value for Money and Panel Contracts.

The WA Government is committed to ensuring WAIPS and accompanying documents are straightforward for agencies to apply. The WAIPS will be updated when required, and the revised policy will be appropriately communicated. Input will be sought from both agencies and Suppliers to ensure that WAIPS stays relevant and is achieving the Government's priorities.

6. Related Procurement Requirements and Policies

6.1. Procurement Act

When implementing the WA Jobs Act and WAIPS, agencies should ensure that there is congruity with the Procurement Act and Procurement Rules. Specifically, the following Western Australian Procurement Rules are relevant:

- [Achieve Value for Money](#)
- [Act Ethically – With Integrity and Accountability](#)
- [Procurement Planning](#)
- [Request Development and Contract Formation](#)
- [Contract Management](#)
- [Agency Obligations](#)

The procurement rules and associated guidelines represent best practice policy and processes for agencies in managing the issues encompassed in the procurement cycle. Consequently, all agencies should, as part of their WAIPS requirements, adopt these measures where relevant.

The Procurement Act and Procurement Rules are important in emphasising Agency need for a complaint/dispute resolution process including provision of a post tender briefing to unsuccessful Prospective Suppliers.

Section 24 of the WA Jobs Act details the effect of contravention of the WA Jobs Act or WAIPS.

6.2. Western Australia Buy Local Policy

There is congruity between the WA Buy Local Policy, the WA Jobs Act and WAIPS. Agencies should understand this relationship and its implications across the procurement cycle. Clarification if required, can be provided by DEED. In situations where both WAIPS

and Buy Local Policy apply, WAIPS is the determining policy due to being based on legislation.

The [WA Buy Local Policy 2022](#) aims to support the participation of WA-based businesses in supplying to agencies. A primary focus of the policy is small- to medium-sized enterprises and their relationship to regional procurement, particularly through RPPs. As such, WAIPS must be interpreted as including the application of the relevant key features of the WA Buy Local Policy, including price preferencing.

6.3. Annual Reporting of WAIPS Outcomes

The WA Jobs Act requires reporting by the Minister on an annual financial year basis. The annual report is prepared by DEED, submitted to Parliament before 30 November each year, and includes aggregated data from Participation Plans, Participation Plan reports and exemption applications and reports.

At the request of the Minister, an Agency must provide any information required for the purposes of preparing the annual Parliamentary report on the implementation of the WA Jobs Act and WAIPS. Refer to Section 20(1) of the WA Jobs Act.

7. Implementing WAIPS Across the Procurement Cycle

Refer to [WAIPS 2024](#), Section 7, Implementing WAIPS across the Procurement Cycle.

Under the WA Jobs Act, the objectives and policies cited in the Act, as expressed in WAIPS, cover the procurement cycle as a whole.

As part of implementing WAIPS across the procurement cycle, unsuccessful prospective Suppliers should be provided with an opportunity for information and feedback through discussions or briefings on how they can improve for future offers.

8. Compliance and Audit

Compliance of WAIPS 2024 is monitored through various means, including the ability of the Minister to initiate independent audits.

9. Assistance

DEED and/or Department of Primary Industries and Regional Development (DPIRD) Local Content Advisors (LCA) can provide assistance on:

- How to use the WAIPS Portal.

- How to comply with and apply WAIPS.
- Guidance on the WAIPS Participation Plan exemption process.
- Participation Plan assessment assistance for Strategic Projects.
- WAIPS amendments process.
- Promoting WAIPS and supporting agencies on its implementation.

10. Trade Agreements and Section 92 of the Australian Constitution

The State Government has obligations under the relevant Government Procurement chapters of various bilateral Trade Agreements, and WAIPS has been developed considering the relevant obligations. The Trade Agreement provisions contain an exception for government policies directed at supporting SMEs and therefore, the Trade Agreement provisions do not apply in this instance. An SME is defined as a business that has fewer than 200 full time equivalent employees.

Western Australia is a signatory to the Australia and New Zealand Government Procurement Agreement, which restricts the use of state-based preferences.

The WA Government also has obligations under Section 92 of the Australian Constitution concerning the free flow of interstate trade. The WAIPS meets these obligations in its implementation.

11. Feedback

The State Government encourages feedback and is engaging in consultation to support the operation and implementation of this strategy. To provide feedback, refer to the contact details in Section 12.

12. Contact Information

Further assistance on WAIPS is available from DEED. Refer to contact details below.

DEED, Jobs and Industry Participation

Email: industrylink@jtsi.wa.gov.au

Phone: (08) 6277 2999

Web: [WA Industry Link](#)

Address:

Department of Energy and Economic Diversification

Level 11, 1 William Street

PERTH WA 6000

For regional queries, the DPIRD LCAs are available and contact details are available at [Local Content Advisor Network](#).

13. Terms Used

Agency(ies): An agency as defined in the Western Australian Jobs Act 2017.

Full, fair and reasonable opportunity

Full: Australian and New Zealand industry is afforded the same opportunity as other global supply chain partners to participate in all aspects of a project (e.g. design, engineering, project management, professional services and IT architecture).

Fair: Australian and New Zealand industry is provided the same opportunity as global suppliers to compete on projects on an equal and transparent basis, including being given reasonable time to tender.

Reasonable: Tenders are free from non-market burdens that might rule out Australian industry and are structured to provide Australian and New Zealand industries the opportunity to participate in projects.

Local industry: Suppliers of goods produced, or services provided, based in Western Australia, another State or Territory or New Zealand.

Local participation: is measured by the percentage of contract value generated within WA via sourcing. Local sourcing is defined in the WAIPS 2024 Document.

Metropolitan: All areas which are located outside of 'Regional'. Refer to definition of 'Regional' below. This includes Rottnest Island.

Participation Plan: A written statement that a tenderer uses to outline their commitments for aligning with the WA Jobs Act and involving local businesses in a supply opportunity.

Procurement Agency: In relation to a WAIPS supply, this refers to the agency responsible for conducting the procurement process for the WAIPS supply.

Prospective Supplier: In relation to a WAIPS supply, this refers to a person or body that makes an offer to supply during the procurement process for the WAIPS supply.

Regional: As prescribed in the [Regional Development Commissions Act 1993 - \[02-f0-00\].pdf](#), Schedule 1 – Regions defined by reference to districts. Regional includes the Peel Region.

Regional Price Preference: A reduction applied to a Prospective Supplier's tender price, for evaluation purposes only.

Small- and medium-sized enterprise (SME): A business with fewer than 200 full time equivalent employees.

Supplier(s): A person or body that supplies goods or services to or for an agency or the State.

Supply: A supply of goods or services to or for an agency or the State.

Appendix A Tender and Contract Model Clauses

The model clauses contained in this document are provided as general guidance. It is recommended that the wording is reviewed and adjusted for consistency before being included in any procurement or contract documentation. Agencies are encouraged to seek legal advice for the model clauses prior to finalising.

Request

Model/example wording has been provided for the Participation Plan requirement below. A priority with this section from a WAIPS perspective is that the method of evaluation of Participation Plans is clearly described and integrated into the overall evaluation process which the Agency proposes to use.

Defined Terms

- Agency – the procurement agency for the supply.
- Closing Date – the latest time at which offers in response to the Request may be lodged.
- Contract – the agreement for the supply.
- Offer – the bid, tender or other offer to supply lodged by the Respondent in response to the Request.
- Participation Objectives – the criteria or objectives against which the Agency will assess Section B of the Participation Plan, as outlined in the Request.
- Participation Plan – defined in the model wording.
- Qualitative Requirement – a weighted qualitative evaluation criterion to be used by the Agency in evaluating offers.
- Request – the request for tenders, request for proposals, or other request document issued by the Agency for the supply.
- Respondent – the Prospective Supplier lodging a bid, tender or other offer to supply.
- Participation Plan Requirement Link – defined in the model wording; the Agency must include a link to the Participation Plan form in the Request.

Clauses

1. Participation Plan

- a. The *Western Australian Jobs Act 2017 (WA)*, and the *Western Australian Industry Participation Strategy (WAIPS)*, made under it, contain obligations for agencies to require from prospective suppliers, and to assess, participation plans in connection with the supply of goods or services to or for agencies or the State.
- b. A participation plan form is available to complete from the WAIPS Portal at this link [Agency to insert link] (**Participation Plan Requirement Link**).
- c. The Respondent must submit to the Agency a participation plan as part of its Offer which addresses each of the matters outlined in the Participation Plan online form (**Participation Plan**).

The Department of Energy and Economic Diversification (DEED), located at Level 11, 1 William Street, Perth, Western Australia 6000, plays a key role in liaising with agencies and bidders in WAIPS applicable projects and procurements. DEED can provide advice to Respondents on preparation of a Participation Plan and on maximising the opportunities for local industry and workers. More information on what DEED can help Respondents with can be found on the WA Industry Link website at www.industrylink.wa.gov.au

- d. All requests for assistance from DEED need to be made not later than 5 business days prior to the Closing Date to allow DEED sufficient time to respond.

2. Evaluation

- a. The Agency will, in its value for money assessment, consider as a Qualitative Requirement the extent to which Section B of the Participation Plan meets the Participation Objectives.
- b. The Agency reserves the right to reject any Offer that does not contain a Participation Plan which properly addresses the matters outlined in the Participation Plan form.
- c. The Participation Plan Qualitative Requirement will be weighted at [Agency to insert] per cent of the qualitative evaluation of the Offer.

Contract

Model/example wording has been provided for the Contract below. A priority with this section from a WAIPS perspective is that participation plan and reporting are included as contractual obligations.

Several of the model clauses may already be defined in the Contract and the terms should be adapted to be consistent with the terminology used in the Contract. A final copy of the Contractor's Participation Plan is to be added as an attachment to the Contract.

Defined Terms

- Agency – the procurement agency for the supply.
- Contract – the agreement for the supply.
- Contractor – the supplier engaged to provide the supply.
- Term – the term of the Contract.
- Final Report has the meaning given in clause 4(a).
- Department of Energy and Economic Diversification or (DEED) of Level 11, 1 William Street, Perth, Western Australia 6000. DEED plays a key role in liaising with Agencies and bidders in Western Australian Industry Participation Strategy (WAIPS) applicable projects and procurements.
- Participation Commitments means the statements of intention, proposals, undertakings and commitments which are given or made by the Contractor in Section B of the Participation Plan.
- Participation Plan means the Western Australian Industry Participation Strategy – Participation Plan document available to complete on the WAIPS Portal here [Agency to insert link].
- Participation Plan Obligations means the Contractor's obligations under clause 2(a).
- State means State of Western Australia.

Clauses

3. The Participation Plan

- a. The Contractor must, in performing its obligations under the Contract, comply with the Participation Commitments.
- b. The Contractor acknowledges and agrees that its Participation Plan Obligations apply during the Term, any extensions of the Term and until all its reporting obligations as set out in Clause 4 are fulfilled.
- c. The Contractor acknowledges and agrees that the Participation Plan Obligations include the Contractor ensuring its sub-contractors (at any tier) do what is necessary to enable the Contractor to comply with clauses 2(a) and 2(b).

4. Variation or revision of Participation Plan

If a party wishes to vary or revise the Participation Plan, the parties must liaise in good faith with a view to agreeing and then documenting the proposed variations or revisions. If the parties cannot agree on a variation or revision of the Participation Plan, it will remain unchanged.

5. Participation Plan Reporting

- a. The Contractor must submit to the Agency a report as to the matters covered by the Participation Plan after the end of the Term, in respect of the whole of the Term (Final Report), in accordance with this clause.

The Final Report submitted under clause 4(a) must use the form of, and must address the matters outlined in, the Participation Plan Report form which is available to complete from the WAIPS Portal.

- b. Subject to clause 4(c), the Contractor must submit a Final Report no later than 2 months after the end of the Term.
- c. The Final Report required under clause 4(a) report must be accurate, up-to-date, comprehensive, sufficiently detailed, and in no way misleading or deceptive.

6. Verification of Contractor's compliance with Participation Plan

- a. The Contractor must:
 - i. permit the Agency or its duly authorised representative, from time to time during ordinary business hours and upon notice, to inspect, verify and make copies at the Agency's expense of all records maintained by the Contractor for the purposes of this Contract;
 - ii. permit the Agency, or its duly authorised representative, from time to time to undertake a review of the Contractor's performance of the Participation Plan Obligations; and
 - iii. ensure that its employees, agents and sub-contractors (at all tiers) give all reasonable assistance to any person authorised by the Agency to undertake such audit or inspection.
- b. If the Agency requests from the Contractor information or access to documentation in connection with the Participation Plan or the Participation Plan Obligations, or information or documentation in connection with any report referred to in clause 4, the Contractor must promptly comply with such request, ensuring that the

information or documentation provided, or to which access is provided, is accurate, up-to-date, comprehensive, sufficiently detailed, and in no way misleading or deceptive.

- c. The Contractor authorises the Agency, and any duly authorised representative of the Agency, to obtain information from any relevant persons, firms or corporations, including third parties, regarding the Contractor's compliance with the Participation Plan Obligations.
- d. The obligations set out in this clause 5 are in addition to and do not derogate from any other obligation under this Contract.

7. Verification of Participation Plan

The Contractor must ensure that both the Participation Plan and Final Report referred to in clause 4 are endorsed and verified as being true and correct by the Contractor's Chief Executive Officer, Managing Director or equivalent.

8. Use of Information

Both the Agency and the State may use or disclose the Participation Plan, any report provided under clause 4, or any information or documentation referred to in clause 5 for the legitimate purposes of or relating to government or the business of government.

9. Compliance with Participation Plan

The Contractor acknowledges that if the Contractor does not comply with the Participation Plan Obligations, this may result in the State (including any agency, department, authority or instrumentality of the State) not awarding a supply contract, or supply contracts, to the Contractor in the future.

10. Clause survives

This clause survives the termination or expiration of the Contract.