Exemption Request & Emergency Procurement Form

State Purchase Contract (SPC)

# Version: 1.2

# Date: 15 December 2023

# Contact Details

|  |  |
| --- | --- |
| Name |  |
| Position |  |
| Organisation |  |
| Email |  |
| Phone |  |

# Purpose

|  |
| --- |
| SPC Exemption Request *(go to section 3)* |[ ]
| Emergency Procurement Notification *(go to section 6)* |[ ]

# Exemption Sought

|  |  |
| --- | --- |
| SPC Name |  |
| Lead Department |  |
| Description of Goods &/or Services to be procured  |  |

**Note:** An organisation can only be exempted from a future SPC if it can demonstrate that it is unable to obtain value for money under the proposed SPC, and if assessed as appropriate by the Lead Department, the case for exemption is to be included in the business case for establishing the SPC to be approved by the Minister.

|  |  |  |
| --- | --- | --- |
| 3a | Fixed Period |[ ]  One-off Purchase *(go to section 4)* |[ ]

*Specify the Fixed Period below*

|  |
| --- |
|  |

|  |  |  |
| --- | --- | --- |
| 3b | Whole Organisation |[ ]  Part of the Organisation |[ ]

*Specify what Part of the Organisation below*

|  |
| --- |
|  |

|  |  |  |
| --- | --- | --- |
| 3c | Whole SPC |[ ]  Part of the SPC |[ ]

*Specify what Part of the SPC below*

|  |
| --- |
|  |

# Justification

|  |
| --- |
| SPC does not provide value for money |[ ]
| SPC does not meet requirements |[ ]
| Specialist expertise is required that is not available through the SPC supplier/s |[ ]
| Specialist intellectual property required that is not available from SPC supplier/s |[ ]
| Conflict of interest with SPC supplier/s |[ ]
| Other |[ ]

## Details & Evidence

|  |
| --- |
|  |

**Note:** Please provide details to support your justification including, where appropriate, documentation and any relevant evidence or analysis that would reasonably be required to assist the Lead Department with processing your request, including where appropriate, evidence of reasonable efforts to identify suitable capability from the existing SPC supplier base.

# Proposed Alternative Procurement

|  |  |
| --- | --- |
| Estimated Spend |  |
| Process |  |
| Supplier/s – if known provide company details here inc. ABN. |  |

**Note:** Please describe the proposed procurement process and how your organisation will ensure compliance with VGPB policy and guidelines. The estimated spend must be AUD ex GST.

# Emergency Procurement

|  |  |
| --- | --- |
| Date |  |

*Specify the nature of the emergency procurement and why the SPC was unable to be used.*

|  |
| --- |
|  |

# Approvals

|  |  |  |
| --- | --- | --- |
| **Endorsed by the Organisation CPO or Equivalent Authorised Representative** |  | **Approved, declined, or noted for emergency procurement, by the SPC Category Manager**  |
|  |  |  |
| **Signature** |  | **Signature** |
| **Date:**  |  | **Date:**  |
|  |  |  |
| **Name:**  |  | **Name:**  |
| **Title:**  |  | **Title:**  |

**Note:** The requesting Organisations CPO must confirm their endorsement for the Exemption Request, before submitting to the SPC Category Manager for consideration. The Category Manager must record the outcome and any additional notes relevant to that outcome, below.

|  |  |  |
| --- | --- | --- |
| Approved |[ ]  Declined |[ ]  Noted |[ ]
|  |
| **Approved by Authorised Officer of the Lead Department** |  |  |
|  |  |  |
| **Signature** |  |  |
| **Date:**  |  |  |
|  |  |  |
| **Name:**  |  |  |
| **Title:**  |  |  |

**Note:** All Fixed Term Exemption Request’s require approval by the Authorised Officer of the Lead Department.

# Appendix 1 – Requestors Guide

* Entities bound by VGPB policies must receive an Exemption Approval in order to purchase goods and services subject to a Mandated SPC, from an alternate supplier/s.

**[Market analysis and review policy](https://www.buyingfor.vic.gov.au/market-analysis-and-review-goods-and-services-policy)**

* SPC exemption requestors should familiarise themselves with the relevant Victorian Government Purchasing Board (VGPB) policies with regards to the nature and purpose of Victorian Government aggregated buying, and the specific SPC for which an exemption is being sought.

**[Aggregated purchasing – goods and services procurement guide](https://www.buyingfor.vic.gov.au/aggregated-purchasing-goods-and-services-procurement-guide)**

* With specific regards to value for money exemption requests, buyers should familiarise themselves with, and ensure the Justification details adequately consider, the relevant VGPB definitions and policy.

[**Value for money – goods and services guide**](https://www.buyingfor.vic.gov.au/value-money-goods-and-services-guide)

**[Evaluate and select offers – goods and services guide](https://www.buyingfor.vic.gov.au/evaluate-and-select-offers-goods-and-services-procurement-guide)**

* The Lead Department will endeavour to provide a response to all compliant exemption requests within five working days, however in the event further clarification is required, the target timeline to provide a decision will restart upon the satisfactory response of each clarification request.
* Buyers should note that the availability or unavailability of a specific individual, is not sufficient reason to be granted an SPC Exemption.
* A one-off Exemption Approval applies to the individual procurement activity detailed in the relevant Exemption Request and is not an approval for the same or similar procurement activities on an ongoing basis.
* Approved Exemptions are subject to periodic review by the Lead Department to ensure such approvals remain relevant. Any changes to approvals, including the withdrawal of an Exemption Request previously approved remains at the discretion of the Lead Department.
* Approved SPC Exemptions do not preclude the Buyer from being subject to VGPB principles and policies with respect to the Procurement of alternative goods and services, and such approval does not consider or endorse the Buyers intended process in complying with such principles and policies.
* Due to the urgent and critical nature of the need for an Emergency Procurement (EP), SPC exemptions are not required from the SPC Lead Department. Buyers should familiarise themselves with the VGPB mandatory requirements applicable in such situations, and advise the SPC Lead Department asap, but within 30 days of such an occurrence, only for the purpose of noting that the CIP has occurred.

[**Governance policy**](https://www.buyingfor.vic.gov.au/governance-goods-and-services-policy)