

ADDENDUM TO THE BUY LOCAL POLICY

December 2009

AGREEMENTS AFFECTING THE OPERATION OF THE BUY LOCAL POLICY

The Western Australian Government is a signatory to the Australia – New Zealand Government Procurement Agreement (ANZGPA). Western Australian government procurement must also comply with the requirements of the Australia – United States Free Trade Agreement (AUSFTA) and the Australia – Chile Free Trade Agreement (ACIFTA).

Application of elements of the Government's *Buy Local Policy* is restricted by these agreements. This addendum:

- sets out circumstances in which elements of the *Buy Local Policy* are not to be applied;
- applies to all purchases of goods and services covered by the *Buy Local Policy* which commence after 1 December 2009; and
- applies notwithstanding anything to the contrary in the *Buy Local Policy*.

Local Content

When a bid is received from:

- a business that is located in another state or territory of Australia, or in New Zealand under the ANZGPA; or
- a business that is located in the United States (when the purchase is a “covered procurement” under the AUSFTA); or
- a business that is located in Chile (when the purchase is a “covered procurement” under the ACIFTA),

the local content weighted selection criterion must not be evaluated during the qualitative assessment.

Regional Price Preferences

When a bid is received from:

- a business that is located in another state or territory of Australia, or in New Zealand under the ANZGPA; or
- a business that is located in the United States (when the purchase is a “covered procurement” under the AUSFTA); or
- a business that is located in Chile (when the purchase is a “covered procurement” under the ACIFTA),

the regional business preference and the regional content preference must not be applied.

Imported Content

The imported content impost must not be applied to any portion of a bid that comprises goods, services or items that have been imported into Australia from New Zealand, the United States or Chile.

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Glossary of Terms

Australia – New Zealand Government Procurement Agreement (ANZGPA)

The agreement of that name between the Commonwealth, New Zealand and all States and Territories of Australia.

Australia – United States Free Trade Agreement (AUSFTA)

The AUSFTA was made at Washington DC on 18 May 2004. Chapter 15 of that agreement relates, among other things, to particular kinds of procurement by specified State Government agencies.

Australia – Chile Free Trade Agreement (ACIFTA)

The ACIFTA was made in Canberra on 30 July 2008. Chapter 15 of that agreement relates, among other things, to particular kinds of procurement by specified State Government agencies.

Covered procurements

The AUSFTA and ACIFTA apply to certain procurements carried out by nominated agencies, which are valued at, or over the specified dollar values.

The AUSFTA and ACIFTA define those Western Australian government agencies and procurements, which are considered covered under the agreements.

The values and the agencies covered under the AUSFTA and ACIFTA, and the lists of procurements excluded from coverage, can be found at: www.ssc.wa.gov.au.

Further Advice and Assistance

Further advice on the requirements of these agreements can be obtained from the State Supply Commission on (08) 6551 1500.