



Comhairle Contae Thiobraid Árann
Tipperary County Council

Procurement Procedures

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Updated 'Procurement Procedure Guidelines for Goods, Services, Consultants and Works for Tipperary County Council (2014)'

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1. Introduction to the procurement procedures

Tipperary County Council Procurement Procedures comprise:

- 1: Procurement Procedures (this document) and the links contained therein. Primarily Local and National tendering requirements
- 2: Appendices. Some are available in this document for reference, but they are mainly available through the live links. The links facilitate the bulky nature of some appendices and the dynamic nature of others that need to be updated regularly
- 3: [Amended for Tipperary County Council use – OGP Public Procurement Guidelines for Goods and Services.](#) These amended national guidelines are for EU Level tendering and also provide the background for National Level tendering.
- 4: Guidelines for the procurement of Capital works and works related services guidelines can be found on the Capital Works Management Framework (CWMF). <http://constructionprocurement.gov.ie>. These form the current national procurement rules for public works and construction-related services for contracts. These apply to National and EU level tendering for works and works related services.

- 1.1 Tipperary County Council has a primarily devolved procurement system, where the responsibility for following appropriate procurement practices lies with the individual budget holders who authorise the procurement of goods, services, works, works related services or concessions.
- 1.2 The purpose of the procurement process is to obtain value for money and to give all potential suppliers a fair opportunity to tender. The general principles underlying public procurement are: equality of treatment and non-discrimination, transparency, mutual recognition and proportionality.
- 1.3 There is significant public interest in how public monies are spent. Through the application of these procedures, Tipperary County Council promotes best practice and consistency of approach in the application of the public procurement rules.
- 1.4 Tipperary County Council works through the [LGMA](#) (Local Government Management Association) to collaborate with the [OGP](#) (Office of Government Procurement) to implement the procurement element of the Government's Public Service Reform. The mandate of the OGP is to implement a centre-led procurement model, with new structures and allocation of resources.
- 1.5 Tipperary County Council has a Procurement Officer whose role is to keep staff informed of changes in procurement procedures, systems and reporting. This is carried out with the assistance of the Procurement Coordinators and the Procurement Strategy Group.
- 1.6 Many elements of the procurement procedures are dynamic in nature and will be subject to review periodically. This document is designed to be accessed via

the intranet with live links to detailed procedures, templates, appendices, procurement related systems and data stored on the intranet. You are advised to always use the latest version of the procurement procedures available on the [Procurement home page on the intranet](#). Specific procedures are listed in the appendix section. Use the links provided in the document to access them directly.

- 1.7 There are a number of national organisations and on-line systems through which the Local Authorities are required to work to procure goods, services, works and concessions. Contact the Procurement Officer in relation to access. They include:
- The Office of Government Procurement (OGP) – National arrangements for the purchase of goods, services and some works related services www.ogp.gov.ie
 - eTenders website, for advertising tenders above National and EU Thresholds for Goods, Services, Capital Works and Related Consultancy Services www.etenders.gov.ie
 - Capital Works Management Framework (CWMF). An on-line repository of the templates to be used with the national procurement rules for public works and construction-related services. <https://constructionprocurement.gov.ie/>
 - www.supplygov.ie – national on-line procurement arrangements for Plant Hire, Minor Building and Civil Works.
- 1.8 In order to avoid duplication of effort Tipperary County Council engages with other local authorities in regional and national tenders where products and services can be best procured at these levels.
- 1.9 The engagement of consultants must comply with the [Guidelines for Consultancy Services - Tipperary County Council](#)
- 1.10 Always check to see if there are any specific procurement requirements identified by grant providers eg Departments, EU, LEADER, TII etc. These will need to be complied with in addition to Tipperary County Council procedures.
- 1.11 Tipperary County Council has an in-house tender logging system, the [Tender Procurement Log](#). All arrangements of €25k and over must be logged before being advertised. Once the contract is awarded and the award data logged, a Procurement Reference ID (ProcRef) is issued before payment can be raised in Agresso. All arrangements published on eTenders, even if below €25k needs to be logged and a ProcRef issued. Contact the Procurement Office in relation to access to the Tender Log.
- 1.12 **Separation of Duties.** Insofar as possible
- For all spend, the Purchase Order Approver should be separate from the Purchaser
 - For National and EU level spend the Authoriser awarding a tender should be separate from those involved in tendering and evaluation processes

2. Which rules to apply

The value of the contract will determine whether the procurement procedure needs to meet the National (Below Threshold) or EU (Above Threshold) rules.

Table 2.1: Thresholds for Goods and Services

	Goods and Services Thresholds	Service Concession Threshold	
TCC Rules	Less than €50,000		Flowchart 2.1
National Rules	€50,000 - €216,000		Flowchart 2.1
EU Rules	Over €216,000*	€750,000*	*

Table 2.2: Thresholds for Works Related Services

	Works related services		
TCC Rules	Less than €50,000		Flowchart 2.2
National Rules	€50,000 - €216,000**		Flowchart 2.2
EU Rules	Over €216,000**		**

Table 2.3: Thresholds for Works

	Works	Works Concessions	
TCC Rules	Less than €200,000		Flowchart 2.2
National Rules	€200,000 - €5,404,000**		Flowchart 2.2
EU Rules	Over €5,404,000**	€5,404,000	**

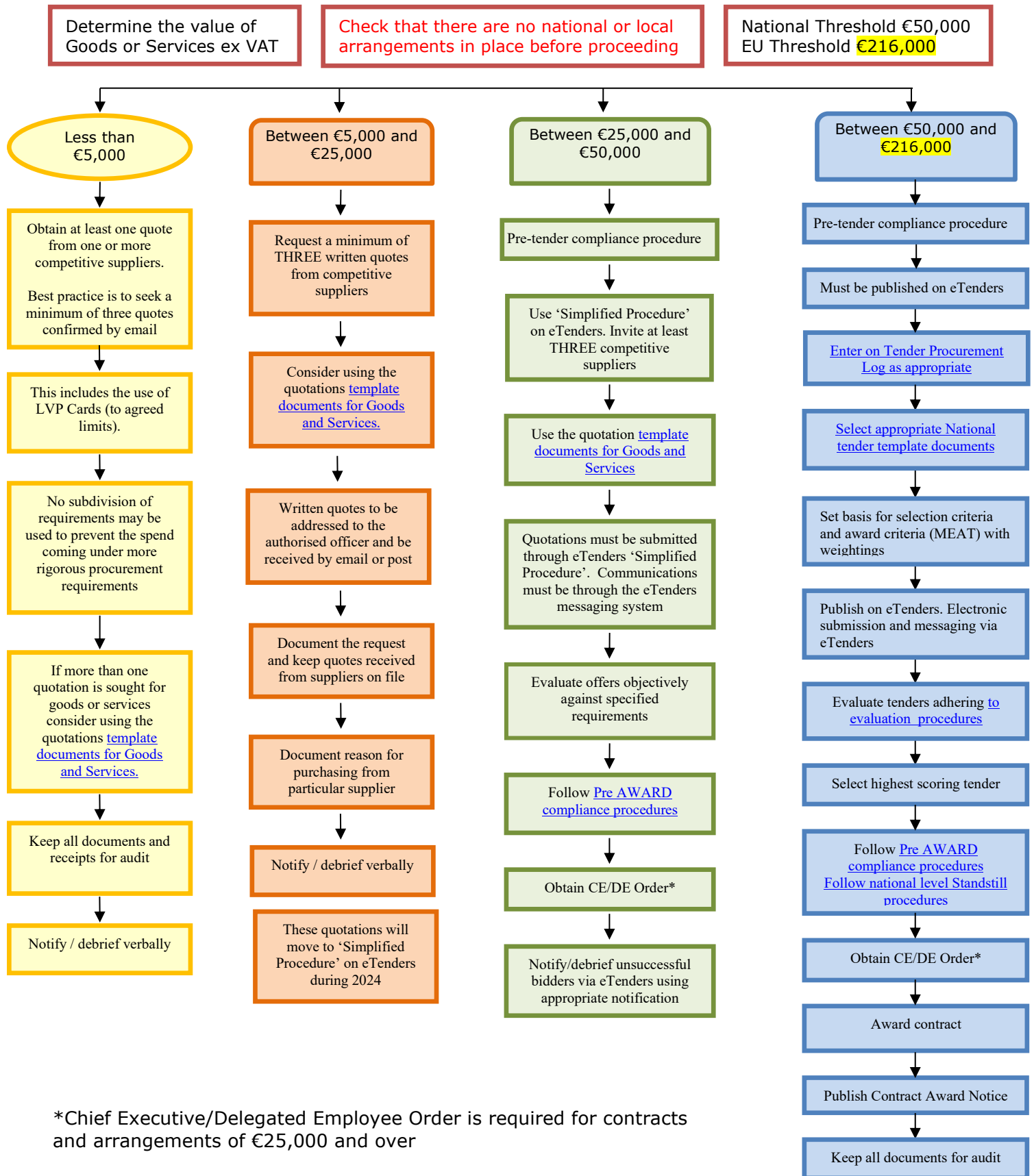
* A version of the [OGP Public Procurement Guidelines for Goods and Services has been amended for Tipperary County Council use](#). The amended version sets out the Tipperary County Council requirements when tendering for Goods and Services at EU level.

** The templates and guidance to tender at National and EU level for Works and Works Related Services are set out on the CWMF website constructionprocurement.gov.ie

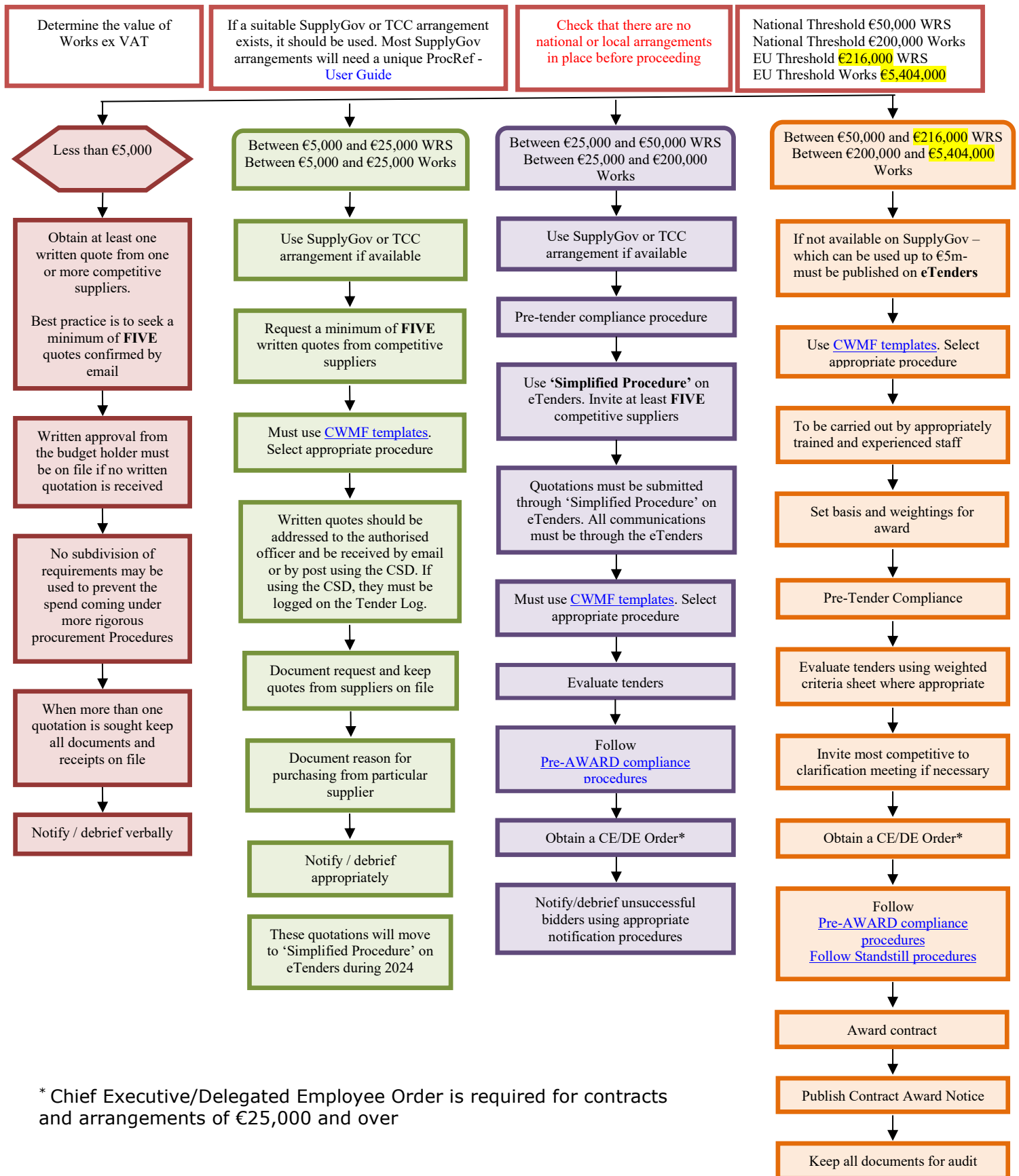
Flowcharts 2.1 and 2.2 model the National requirements as required by TCC. Sections 4 and 5 give a more detailed breakdown.

Staff members undertaking any level of procurement should have appropriate authorisation, training and experience.

Flowchart 2.1 Procurement of Goods and Services Thresholds



**Flowchart 2.2 National Procurement Thresholds (Below EU Threshold)
Procurement of Works and
Procurement of Works Related Services (WRS)**



3. Authorised officers in relation to Procurement

- Authorised officers must be appointed by Chief Executive’s order.
- An authorised officer may approve the decision to advertise a tender, or award a tender only within their Approval Limit.
- The award of the contract is approved by an authorised officer. The award must NOT be approved by the same person who prepared the report and recommendation.
- In general, the procurement limits for approving the decision to go to tender or awarding contracts are the same as Agresso approval limits.
- The authorised officer must be assigned to the section procuring the goods or services.
- The appointment of consultants* can be authorised only by Directors of Services and analogous grades (up to €250,000) or the Chief Executive/Head of Finance (unlimited).

Table 3.1 Procurement Approval Limits

Grade or Position	Approval Limit
Staff Officer, Executive Technician, Senior Executive Technician, Housing Technician, Civil /Environmental Technician-Grade 1, Outreach Officer Museum	Goods, Services, Works, Works Related Services up to €6,000
Senior Staff Officer, Executive Engineer, Storekeeper	Goods, Services, Works, Works Related Services up to €15,000
Staff Officer, Housing	Approval of Grants up to €30,000
Administrative Officer, Administrative Officer grade in C&E, Civil Defence Officer, Assistant Chief Fire Officer, Heritage Officer, Environmental Awareness Officer, Veterinary Inspector, Clerk of Works, Technical Services Supervisor / Executive Engineer assigned to Machinery Yard, Executive Engineer Housing, Senior Executive Engineer and analogous grades.	Goods, Services, Works, Works Related Services up to €100,000
Senior Executive Officer, Senior Engineer, Head of IT, Chief Fire Officer and analogous grades.	Goods, Services, Works, Works Related Services up to €250,000
Director of Service and analogous grades	<ul style="list-style-type: none"> • Goods, Services, Works Contractors, Works Related Service Contractors up to €500,000 • Appointment of Consultants* up to €250,000 • Appointment of (non-works) Contractors* and External Service Providers* between €25,000 and €250,000 • Purchase of land or other property up to €500,000
Director of Service – Roads	<ul style="list-style-type: none"> • Goods, Services, Works Contractors, Works Related Service Contractors up to €1,000,000
Chief Executive, Head of Finance	Unlimited

*[Refer to note distinguishing between Consultant, Contractor and Service Provider](#)

4. General Procedures

Although the method of procurement will vary depending on the nature and value of the goods, services or works being sought, the applicable steps in the following procedure must be followed in every case.

Table 4.1 Steps in Procurement

Determine the need	<ul style="list-style-type: none"> • Check if there is an existing arrangement in place • A robust specification must be set out as precisely as possible • The process to be approved at the relevant authorised level • The budget should be available
Identify Procurement Strategy	<ul style="list-style-type: none"> • Calculate the Value • Select the appropriate procedure • Determine whether a contract or framework is the most appropriate
Develop the tender documentation	<ul style="list-style-type: none"> • Select the appropriate template (Goods and Services) CWMF • Insert the Specifications • Identify Selection Criteria • Identify Award Criteria • Prepare Evaluation sheet • Check that the insurance requirements are clear and appropriate • Prepare Contract Terms and Conditions
Pre-Tender Compliance	Submit documentation to Procurement Coordinator for Pre-Tender Compliance Procedure
Advertise and publish RFT	<ul style="list-style-type: none"> • Use Tender Procurement Log as required • Clearly specify Tender Box arrangements and comply with Tender Box Procedures • Advertise appropriately and manage queries and clarifications
Receive and evaluate tenders	<ul style="list-style-type: none"> • Ensure Compliance with Evaluation Procedures • Clarify as appropriate • Verify as required • Implement the Pre-AWARD compliance procedures with a Procurement Coordinator
Decide and Notify Award Pre-Award Compliance	<ul style="list-style-type: none"> • Identify winner • Appropriate Authorised officer to approve the procurement • Implement the Pre AWARD compliance procedures with a Procurement Coordinator • Observe appropriate Standstill procedures • Obtain Chief Executive/Delegated Employee order where required
Conclude Contract	<ul style="list-style-type: none"> • Sign contract once standstill period has passed • Publish Contract Award Notices as required • Obtain Procref as required. A Procref will be needed for payment to be made • Complete procurement checklist and put on file
Manage the contract	• Manage the contract, watching for any Material Change. Manage any disposal involved
Review contract	• Review the contract at the end or in time for any renewal. Implement any lessons learned into future re-tendering
Reporting	• Authorised officers are responsible for meeting the procurement reporting requirements

5. Detailed Procedures

5.1 Determine the Need

5.1.1 Check if there is an existing arrangement in place

Before undertaking any procurement, a staff member should ensure that there are no existing or planned procurement arrangements that will meet their needs.

This applies to: National Procurement Thresholds (Below EU Threshold)
Above EU Threshold

for the procurement of Goods, Services, Works, Works Related Services, Concessions

Tipperary County Council participates in a number of national contracts and arrangements. The OGP and SupplyGov are the main providers of national arrangements but there are other TII, OPW and TCC arrangements in place.

The national arrangements available to Tipperary County Council change on an ongoing basis. The following links will assist in determining what arrangements are available. New arrangements come on-stream and tenders are re-run on a regular basis, so the most effective way to find if there is an existing arrangement is to contact the procurement office or procurement coordinator directly.

[OGP Current Arrangements](#)

[OGP Planned Arrangements](#)

[SupplyGov Arrangements](#)

[SupplyGov Quotations categories – purchases less than €25k/Goods, €50k/Works](#)

[List of Central Contracts used by Tipperary County Council](#)

5.1.2 Set out a Specification as precisely as possible

Technical Specifications define the characteristics required of goods, services or works required. If a tender does not meet the technical specifications, it must be rejected.

Technical specifications should be as objective as possible; must not be discriminatory; and should not unduly limit competition.

Specifications can be drawn up in terms of

- reference to standards, technical assessments, or other technical systems ('or equivalent')
- in terms of performance or functional requirements
- or by some combination of these approaches

5.1.3 The process to be approved at the relevant authorised level

[See Table 3.1](#)

5.1.4 The budget should be available

An authorised officer may only proceed to tender/quotations where they are satisfied that an adequate source of funding is available.

5.2 Identify Procurement Strategy

5.2.1 Calculate the Value

The following guidelines should be used when calculating the value of any contract:

- The estimated value of a contract is based upon all related costs over the maximum life of the contract excluding VAT and inclusive of any form of options and renewals. For example, if there is a two-year contract with the possibility of a one-year renewal, then the calculation of estimated value would include three years.
- The estimate should be valid at the time the contract notice/tender documents are published or when the award procedure starts.
- The value of a **framework agreement** is the total value of all contracts likely to be awarded over the lifetime of the agreement. This value should be included in the contract notice.
- If the competition is run in **lots**, the value is the total estimated value of all lots.
- For Design Competitions, the total value of prizes and value of any subsequent follow-on contracts should be included in the estimated value.
- No **subdivision** of requirements may be used to prevent it coming under the scope of the Directives or to keep it below EU Thresholds.
- Regarding public **works**, the cost of works plus the total estimated cost of any supplies given to the contractor necessary for executing the works, should be included.
- The value of the contract will determine whether the procurement procedure needs to meet the National or EU rules.

5.2.2 Selecting the appropriate Procedure

Table 5.1 Thresholds and related procurement procedures

Note:

- **For all categories of tendering, check for existing arrangements** which should be used where available
- [All decisions relating to a procurement must be documented on-file](#)

In keeping with the spirit of [Circular 05/2023](#) authorised officers are advised of the importance of seeking quotes from SMEs that are capable of delivering on the requirements of the procurement process. It may be appropriate to seek more than the minimum quotations identified to facilitate and encourage SME involvement with the procurement process

Threshold	Procurement Procedure: Quotations. Open, Restricted, Competitive Dialogue, Competitive Procedure with Negotiation, Innovative Partnership, Negotiated Procedure without Prior Publication. TCC Requirements
Less than €5,000 Goods & Services	Obtain at least one quote from competitive supplier(s). The budget holder must be satisfied that one quote is sufficient. This includes the use of an LVP Card (within the agreed limits). Best practice is to seek a minimum of 3 quotes, confirmed by email. If more than one quotation is sought for goods or services consider using the RFQ templates documents for Goods or Services , RFQ standstill letters
Between €5,000 and €25,000 for Goods & Services	A verifiable written or email communication is sent to THREE or more suppliers or service providers using the RFQ template documents for Goods or Services seeking written quotes , with closing date and time identified. Use RFQ standstill letters
Between €25,000 and €50,000 for Goods & Services	Quotations are to be requested through ' Simplified Procedure ' on eTenders, inviting THREE or more suppliers or service providers. Log on the Tender Procurement Log The RFQ template documents for Goods or Services (RFQ and QRD) should be used. Use RFQ standstill letters Run Pre-Tender and Pre-Award procedures with Procurement Coordinators
Between €50,000 and €216,000 for Goods & Services	Publish Contract Notice on eTenders Log on the Tender Procurement Log Use the appropriate National RFT Template Documents Use Tender Letters T1, T2, T3 as appropriate Open Procedure Run Pre-Tender and Pre-Award procedures with Procurement Coordinators.

Threshold	Procurement Procedure: Quotations. Open, Restricted, Competitive Dialogue, Competitive Procedure with Negotiation, Innovative Partnership, Negotiated Procedure without Prior Publication. TCC Requirements
Less than €5,000 Works Related Services	Obtain at least one written quote from competitive supplier(s). The budget holder must be satisfied that one quote is sufficient. Written approval from the budget holder must be on file if no written quotation is received. Best practice is to seek a minimum of FIVE quotes, confirmed by email. If more than one quotation is sought for works or works related services use a suite of quotation documents approved by your section. Best practice is to use the CWMF suite of documents.
Between €5,000 and €50,000 for Works Related Services	<ul style="list-style-type: none"> • €5k-€25k. A verifiable written or email communication is sent to FIVE or more suppliers or service providers seeking written quotes, with closing date and time identified. Use the appropriate CWMF suite of tender documents • €25k-€50k. Request Quotations using 'Simplified Procedure' on eTenders, inviting FIVE or more service providers. The appropriate CWMF suite of documents must be used Log on the Tender Procurement Log Run Pre-Tender and Pre-Award procedures with Procurement Coordinator
Between €25,000 and €216,000 for Works Related Services* *There is an 'Aggregation of Value' Rule applied for Works related Services. See Appendix 20	Publish Contract Notice on eTenders Open Procedure The appropriate CWMF suite of tender documents must be used The tender must be logged on the Tender Procurement Log Run Pre-Tender and Pre-Award procedures with Procurement Coordinator
Less than €5,000 Works	Obtain at least one written quote from competitive supplier(s). The budget holder must be satisfied that one quote is sufficient. Written approval from the budget holder must be on file if no written quotation is received. Best practice is to seek a minimum of FIVE quotes, confirmed by email. If more than one quotation is sought for works or works related services use a suite of quotation documents approved by your section. Best practice is to use the CWMF suite of documents.

Threshold	Procurement Procedure: Quotations. Open, Restricted, Competitive Dialogue, Competitive Procedure with Negotiation, Innovative Partnership, Negotiated Procedure without Prior Publication. TCC Requirements
Between €5,000 and €200,000 for Works	<ul style="list-style-type: none"> • €5k-€25k. A verifiable written or email communication is sent to FIVE or more suppliers or service providers seeking written quotes, with closing date and time identified. The appropriate CWMF suite of tender documents must be used • €25k-€200k. Quotations are to be requested using 'Simplified Procedure' on eTenders, inviting FIVE or more service providers. <p>The appropriate CWMF suite of documents must be used. Log on the Tender Procurement Log Run Pre-Tender and Pre-Award procedures with Procurement Coordinator</p>
Between €200,000 and €5,404,000 for Works	<p>Publish Contract Notice on eTenders Open or Restricted Procedure</p> <p>The appropriate CWMF suite of tender documents must be used Log on the Tender Procurement Log Run Pre-Tender and Pre-Award procedures with Procurement Coordinator</p>
<p>It is advised that staff have appropriate training, expertise and authorisation before undertaking an EU level tender.</p>	
<p>Above EU Threshold Over €216,000 for Goods & Services</p> <p>Over €216,000 for Works Related Services</p> <p>Over €5,404,000 for Works</p> <p>Service Concession Threshold €750,000</p> <p>Works Concessions Thresholds €5,404,000</p>	<p>Publish Contract Notice on OJEU via eTenders</p> <p>Log on the Tender Procurement Log.</p> <p>Run Pre-Tender and Pre-Award procedures with Procurement Coordinator</p> <p>The Amended (for Tipperary County Council) Public Procurement Guidelines for Goods and Services apply</p> <p>Use the OGP Templates for Goods and General Services</p> <p>Use the appropriate CWMF suite of tender documents for Works and Works Related Services</p> <p>Open or Restricted Procedure</p>
Note re SupplyGov	<p>www.supplygov.ie should be used</p> <ul style="list-style-type: none"> • for procurement up to €5m where a relevant Framework or DPS exists • where possible for quotations with an aggregate value under €25,000 (Works related Goods & Services)

5.2.3 Determine whether a Contract, Framework or DPS is to be used

In general, a Contract would be advertised and awarded when the volume of goods or services required from a supplier over a given period is known.

A Framework Agreement would be set up if the volume of goods or services required from a supplier(s) over a given period is not known. This is an agreement where the terms governing contracts to be awarded during the given period, in particular with regard to price and where appropriate, the quantity envisaged is set up.

Framework Agreements are widely used to facilitate frequent buying instead of doing multiple 'one-off' procurement exercises.

There are Goods and Services [templates available to tender for Contracts and to tender for Frameworks at National level](#).

A DPS (Dynamic Purchasing System) is a completely electronic system which can be used to procure commonly used goods, services or works. It is typically used to procure lower value goods. Unlike a Framework Agreement which restricts tenderers joining, tenderers can be added to a DPS at any time subject to the published eligibility criteria.

TCC also uses a range of Framework and DPS arrangements established by Central Contracting authorities:

- [OGP national Frameworks for goods and services](#)
- [SupplyGov DPS or Frameworks for Plant Hire, Minor Building and Civil Works](#)

5.3 Develop the Tender Documentation

5.3.1 Select appropriate template

To ensure consistency, transparency, risk management and compliance, the recommended templates at the links should be used:

- [National threshold: Goods and Services – Contracts; Frameworks](#)
 - Under €50k – Quotation Templates
 - Between €50k and €216k - Tender Templates
- [EU threshold: Goods and Services RFTs](#)
 - Over €216k

Works and Works Related Services:

- [The CWMF templates must be used for](#) all Works contracts and Works Related Services contracts

The CWMF is a structure which has been developed to deliver the Government's objectives in relation to public sector construction procurement reform. It covers all aspects of the delivery of a public works project from planning to final delivery and review, risk management and Health & Safety. This includes the engagement of Works Related Consultancy Services.

- **SupplyGov** for their on-line templates and User Guides. [SupplyGov DPS and Frameworks for Plant Hire, Minor Building and Civil Works](#)

5.3.2 Insert the Specification developed at 5.1.2

Describe in detail what you are looking for in terms of functionality, without using brand names or other descriptions which could be interpreted as being restrictive. For larger or more complex contracts the specification may be set out in one or more appendices. Further guidance can be found in [Guidance for Buyers – National level. Goods & Services - EU level](#) [CWMF guidance note National and EU level](#)

5.3.3 Identify Selection Criteria

Selection criteria can be used in every procurement exercise to ensure that only competent firms are considered for the award of contracts. You may seek evidence of Legal; economic, financial; and technical capacity. In addition, you may test matters you deem relevant and proportionate to the contract in question under the criteria of skills, efficiency, experience and reliability.

There is **Selection Criteria** guidance for **National level** tendering of Goods and Services in the [Guidance for Buyers](#).

- In keeping with the spirit of Department of Public Expenditure, NDP Delivery and Reform Circular 05/2023 - *Initiatives to assist SMEs in Public Procurement*, authorised officers are advised of the importance of seeking submissions from SMEs that are capable of delivering on the requirements of the procurement process. It may be appropriate to seek more than the minimum of three/five quotations required to facilitate and encourage SME involvement in the procurement process. The recommendations in [Circular 05/2023: Initiatives to assist SMEs in Public Procurement](#) need to be considered
- **Selection Criteria** for **EU level tendering for Goods and Services** are addressed in the User Guides of the [Standard Template RFTs](#). There is further discussion under Selection Criteria in [The Amended \(for Tipperary County Council\) Public Procurement Guidelines for Goods and Services](#).
- Selection Criteria guidance for **National and EU level Works and Works related Services** tendering is available Pillar 4: Guidance Notes on the [CWMF website](#).
- [Exclusion Criteria guidance](#)
- **Selection Criteria for SupplyGov** arrangements are identified in the User Guide for each arrangement.

5.3.4 Identify Award Criteria

The contracting authority must state in the procurement documents the relative weightings which it gives to each of the criteria. For objectivity and transparency, it is best to use a scoring system. This evaluation matrix should be prepared before finalising tender documents.

There is **Award Criteria** guidance for **National level** tendering of Goods and Services in the [Guidance for Buyers](#).

- **Award Criteria** for **EU level tendering for Goods and Services** are addressed in the User Guides of the [Standard Template RFTs](#). There is further discussion under Selection Criteria in [The Amended \(for Tipperary County Council\) Public Procurement Guidelines for Goods and Services](#).
- Award Criteria for **National and EU level Works and Works related Services** tendering is available at [The CWMF website](#)
- **Award Criteria for SupplyGov** arrangements are identified in the User Guide for each arrangement.

5.3.5 Prepare Evaluation sheet

Prepare an evaluation sheet to contain the Selection and Award criteria contained in the RFT documents. All evaluation sheets must be signed by each member of the evaluation team. Check that all requirements are included before going out to tender.

5.3.6 Ensure Insurance requirements are clear

Insurance types and levels of insurance should be proportionate and reasonable in the context of the particular contract. Always check requirements with IPB. [Link to Insurance guidance and IPB contact details](#). Documentary evidence of the required insurance will only be required when a tenderer has been identified as the successful candidate in the Competition.

5.3.7 Prepare Contract Terms and Conditions

The contract terms and conditions must be circulated to the tenderers when the Tender Documents are being advertised.

- There are Contract/Terms & Conditions Templates for national level tendering of Goods and Services in the [Guidance for Buyers](#). Ensure that any changes in the RFT templates are adjusted in the Contract Template
- There are Contract Templates for EU level tendering for Goods and Services available at [Standard Template RFTs](#). There is further discussion under Selection Criteria in [The Amended \(for Tipperary County Council\) Public Procurement Guidelines for Goods and Services](#).
- Template contracts for **National and EU level Works and Works related Services** tendering are available at [The CWMF website](#) *
- Template contracts for the **SupplyGov** arrangements are available at www.supplygov.ie*

*Where awards are made to Contractors in the Construction sector, a [Contractor's agreement](#) should be issued with the tender documents. (Ref S.I. No. 455 of 2017 Sectoral Employment Order (Construction Sector) 2017)

5.4 Submit documentation to Procurement Coordinator for Pre-Tender Compliance Procedure

This procedure was initiated on 1 January 2020. All tenders must complete this procedure before advertising on eTenders

[Pre-TENDER compliance pack Goods and Services](#)

[Pre-TENDER compliance pack Works and Works related services](#)

5.5 Advertise and Publish RFT

5.5.1 Use Tender Procurement Log as required

All tenders of €25k and over ex VAT must be logged on the [Tender Procurement Log](#) before publishing on eTenders and the [Electronic Tendering Procedures](#) must be adhered to (excepting those with other requirements relating to specific frameworks and DPS).

The Tender Procurement Log must also be used for any tender or quotation under €25k that wishes to use the Tender Box at the Customer Service Desk.

When to use the Tender Box at Customer Services Desk:

It is recommended that the Tender Box is used in the following circumstances:

- Quotations with a value close to the €25,000 thresholds, if not advertised on eTenders or SupplyGov
- Quotations for small projects involving grant aid or funding from EU, Government or other agencies, if eTenders is not being used. This is a useful compliance point of reference, particularly where tendering procedures may be audited
- Tenders that could generate significant public interest, even if of low value
- As required for written quotations up to €25k ex VAT

5.5.2 Clearly specify Tender Box Arrangements

All tendering of €25k and over must use [electronic submission](#) of tenders, either through eTenders or SupplyGov.

5.5.3 Advertise on appropriate medium and manage queries and clarifications

- Quotations under €25k – email, newspapers, mail
- Contracts over €25k are advertised on eTenders (using 'Simplified Procedure' or Call for Tender) or SupplyGov. Queries and clarifications are carried out via the platform's messaging system.
- EU level tendering is on OJEU via eTenders. Queries and clarifications are carried out via the eTenders messaging system.
- Plant Hire, Minor Building and Civil Works, mini-tenders via www.supplygov.ie

5.6 Receive and Evaluate tenders

5.6.1 Ensure compliance with the Evaluation Procedures

[Ensure compliance with electronic tender box procedures](#)

Evaluation is a high-risk area in procurement. All steps must be taken to ensure that evaluation of tenders is carried out within the regulations. Each step and decision must be recorded to show that suppliers were treated equally and without discrimination and that the process was transparent and proportionate. Steps to address Confidentiality and Conflicts of Interest issues must be documented and kept on file. See [Evaluation Procedures](#)

5.6.2 Clarify as appropriate

See [Evaluation Procedures](#)

5.6.3 Pre-AWARD compliance Procedure

Implement [the Pre-AWARD compliance procedures](#) with a Procurement Coordinator

5.6.3 Verify as required

Evaluators are required to verify that a submitted tender is compliant and is submitted by a tenderer that is not excluded. There is also a requirement to verify how well tenders meet the award criteria and that the information and proof supplied by the tenderers is objectively verifiable. See [Evaluation Procedures](#)

5.7 Decide and Notify Award

Unsuccessful candidates and tenderers have certain legal rights which they may exercise in the event that they are unhappy about any of the decisions taken by the awarding entity leading to their exclusion from an award.

The [Amending Remedies Directive \(Directive 2007/66/EC\)](#) applies to all EU level contracts.

The directive does not apply to below EU level contracts. However, the principles still apply and it is the recommended good practice to invoke a 'waiting period' and adhere to the rules for all below EU level contracts.

The appropriate procedures and template letters identified in the [Standstill Procedures](#) Tipperary County Council should be used.

The following steps must be documented with reasons and put on file in accordance with the Standstill Procedures.

- 5.7.1 Identify winner**
- 5.7.2 Appropriate Authorised officer to approve the procurement**
- 5.7.3 Implement [the Pre-AWARD compliance procedures](#) with a Procurement Coordinator for standstill letters**
- 5.7.4 Observe appropriate Standstill procedures**
- 5.7.5 Obtain Chief Executive/Delegated Employee Order where required**

Acceptance of a quotation or tender of €25,000 and over must be formalised by a Chief Executive/ Delegated Employee Order

5.8 Conclude Contract

5.8.1 Sign contract once standstill period has passed

Contract details must be entered on the [Tender Procurement Log](#).

5.8.2 Publish Contract Award Notices as required

It is a requirement to publish a Contract Award Notice (CAN) on eTenders/OJEU for each contract of €25k and over awarded. This notice should be published within 30 days of the award of the contract.

The Procurement Office and Procurement Coordinators will assist in putting up the CANs on the new eTenders platform.

If the expected award value is over €25k, then the arrangement must be logged on the Tender Procurement Log. Then the data for the Contract Award Notice is taken from the Log and published on eTenders quarterly by the procurement office on eTenders. It is the budget holder's responsibility to have the data logged and up to date. Any omission from the Contract Award Notice is the responsibility of the budget holder. [Link to stand alone and mini-competition Contract Awards on eTenders](#)

5.8.3 Obtain a Procref as required.

A Procref is needed to raise a requisition on Agresso. See [PROCREF Procedures User Guide](#).

5.8.4 Complete procurement checklist and put on file

It is a requirement that a file (hard copy or digital) is prepared for all procurement exercises, with the exception of direct purchase from a National Arrangement. This includes spend with the LVPC, and Goods and Services under €5,000 if no written quote received.

- Spend up to €5,000 - requires a file that contains at a minimum the following:
 - If written quotations have been sought:
 - Specification of requirement
 - Documented invitations to suppliers

Quotations received
Evaluation notes – who was successful and why
Award/successful/regret communications
Insurance, H&S, licensing or other documentation as required
Sign off by Authorising officer

If no written quote is received, a written approval from the budget holder.

- National and EU Level Tendering must have the documentation identified in the [Checklist for Procurement and Contract file](#)
- Regulation 84 requires a report for **EU level** contracts and frameworks. There are some exemptions for some call-off contracts. Check [Regulation 84 Report](#) for a Checklist and to confirm whether or not the Regulation 84 is required. The completed report must be submitted to the Procurement Office with the application for a ProcRef from 1 October 2021.

5.9 Manage the Contract

Any Material Change or modification of contracts must be managed within the legislation. Record all decisions and actions on the file including: Risk Management, stage payments, communications, meetings, disputes and management of roles and responsibilities.

Works and works related services should consult with the CWMF Guidance Notes [3.1 Implementation Process and 3.1.1 Dispute Resolution](#)

5.10 Review the contract

Review the contract in time for any renewal, or at the end if the contract is a one-off. Implement any lessons learned into future re-tendering.

Works and Works related services consult with the [Guidance note 4.1 Project Review](#)

6. Reporting requirements

Tipperary County Council has procurement reporting obligations that it must adhere to:

- **Contract Notice:** All tenders of €25k and over ex VAT must be advertised on eTenders, SupplyGov (or acquired through an appropriate arrangement such as a framework or DPS). It is the obligation of the budget holder to ensure these contract notices are suitably published.
- **Contract Award Notice (CAN):** This notice must be put up on eTenders within 30 days of the award of a contract. All contracts of €25k and over ex VAT now require a CAN to be published on eTenders, (or via SupplyGov if using that platform), including contracts awarded under Framework Agreements. It is the obligation of the budget holder to ensure these notices are published.
- Contract Award Notices from Framework Agreements are currently published quarterly by the procurement office, using data logged on the Tender Procurement Log and ProcRef forms. It is the obligation of the budget holder to ensure that the data set required is made available in a timely manner through the Log and ProcRef form.
- [FOI Model Publication Scheme](#): the logging of tender data through the Tender Procurement Log and ProcRef form provides the data for the quarterly [FOI reports](#). It is the obligation of the budget holder to ensure that the data set required is available on the Log in the quarter they are awarded.
- Annual reports are extracted from Agresso and sent to the LGMA for collation and reporting to the Office of Government Procurement. The [ProcRef](#) field is used to determine what goods, services and works are procured within compliant procurement arrangements. It is the obligation of the budget holder to ensure that the appropriate ProcRefs are used when approving purchase orders.
- The OGP prepares its Annual Public Service Spend and Tendering Analysis from the Contract Notices and Contract Award Notices on eTenders and from the Quarterly Agresso Reports via the LGMA.
- It is the obligation of the budget holder to ensure that the appropriate documentation is kept on file (hard copy or digitally) and be available on request to the Internal Auditor and the LG Auditor.