



Oifig Náisiúnta  
um Sheirbhísí  
Comhroinnte

National  
Shared Services  
Office

## Public Procurement Policy, Procedures and Related Matters



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## Public Procurement

### 1.0 Purpose

1.1 The purpose of this statement is to set out the internal policies and procedures for the procurement of goods and services, including consultancy, in the National Shared Services Office (NSSO) along with related matters, to ensure all staff are aware of their obligations. The statement is not intended as legal advice or a legal interpretation of Irish or EU law on public procurement.

### 2.0 Scope

2.1 The internal procurement policies and procedures set out in this guide will apply to all Divisions of the NSSO and reflect the recommended principles of the Department of Public Expenditure and the Office of Government Procurement (OGP).

2.2 The NSSO recognises the extent of procurement and expenditure undertaken by the Office of the Government Chief Information Officer (OGCIO). To address the issues that may arise, a nominated Authorised ICT Procurement Manager in OGCIO will oversee the application of the policy across OGCIO and work directly with the NSSO to ensure OGCIO-specific procedures and processes are in line with this policy and best practice.

### 3.0 Policy Statement

3.1 All procurement by the NSSO is governed by EU Directives<sup>1</sup> on procurement which set out rules and procedures designed to ensure equal treatment, mutual recognition, proportionality and transparency in the awarding of public contracts. Procurement decisions must in all respects be fair, equitable, and ensure value for money and the NSSO must be able to justify decisions made and actions taken.

3.2 In all cases, the Office of Government Procurement (OGP) [Public Procurement Guidelines for Goods and Services](#), which sets out the rules and best practice on the various stages of the procurement process, must be followed by all staff. The standard tender templates, which are available to download on the Office of Government Procurement's [website](#), must also be used.

3.3 While details are set out later in this document, in summary the position in relation to procurement in the NSSO is as follows:

- there must be a budget in place and all expenditure must be approved by designated officers, in accordance with pre-determined approval limits;
- all expenditure must be entered on to the FMSS system;
- certain considerations must be taken into account in relation to specific categories of expenditure (e.g. ICT, consultancy etc.); - See section 3.12
- the NSSO's Procurement Officer must be contacted to establish if the OGP has any existing or planned central procurement arrangements which may meet the needs identified (the only exception to this is in relation to ICT procurement by the OGCIO, where its existing close and direct engagement with OGP will continue);
- if a central procurement arrangement is not available, the approach to be applied, in terms of nature of the approval required and the processes to be followed and by whom, is

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<sup>1</sup> See [OGP Procurement Guidelines for Goods and Services](#), page 14.

determined by the value and the nature of the goods or services involved. The position is as follows:

See appendix 1

<b>Goods or services with an estimated value (excluding VAT)</b>	
<b>under €500</b>	May be purchased directly, subject to the proviso that, where feasible, a verbal quotation (RFQ) is sought from three competitive suppliers.
<b>between €500 and €5,000</b>	Require at least <u>three verbal</u> Requests for a Quotation (RFQ) and these quotations are confirmed by email
<b>between €5,000 and €25,000</b>	Require a <u>written</u> Request for Quotation from a minimum of three suppliers <sup>2</sup>
<b>over €25,000</b>	Require a formal Request for Tenders (RFT)
<b>over the EU Threshold (currently<sup>3</sup> €140,000)</b>	Require a formal Request for Tenders (RFT) and a more formal and more detailed process applies

- Under no circumstances should a Division commence a procurement process for goods or services over €5,000, without:
  - establishing a clear business need;
  - obtaining a realistic estimate of the value of all phases of the service or the goods to be procured;
  - confirming that the required budget has been approved and is in place;
  - entering all the relevant details on a dedicated RFT and contracts file on e-docs, in line with the NSSO's Business Filing Rules; and
  - advising the Procurement Officer.

3.4 All staff involved in procurement in the NSSO must be fully aware of and must comply with applicable legislation and Government policies. Staff should, in particular, adhere to the OGP's [Public Procurement Guidelines for Goods and Services](#) as well as the advice set out in the guidance note on [Ethics in Public Procurement](#) in relation to probity, transparency and accountability, the disclosure of conflicts of interest, and the acceptance of gifts of hospitality. As noted at paragraph 4.8, staff involved in the evaluation of a tender as part of a procurement process must sign the relevant Declaration Regarding Conflict of Interest and Confidentiality Undertaking.

### **Procurement from an Approved Budget**

3.5 Assistant Secretaries, Directors of the NSSO and Principal Officers have overall responsibility for expenditure in their areas. They should ensure that all relevant staff are familiar with all aspects of their respective budgets available and that spend is not committed unless a pre-approved budget is in place. It should be noted that in addition to adherence to procurement policy, IT spend needs to be in line with the NSSO IT strategy and as such needs to be approved by the Head of Enterprise IT (Richard Smith).

<sup>2</sup> It will be necessary for the purposes of Audit to be able to provide information that shows that every effort was made to obtain a minimum of 3 written competitive quotes.

<sup>3</sup> This threshold is updated every 2 years. The threshold of €140,000 came into effect on 1<sup>st</sup> January 2022.

- 3.6 They should also ensure that a **Procurement Coordinator** is in place for each function. The Procurement Coordinator is required to:
1. Liaise with the Procurement Officer on all Contracts required valued between €5,000 and €25,000.
  2. Capture all contract information for their function and provide commentary/other information as required.
  3. notify the NSSO's Procurement Officer of all contracts required valued in excess of €25,000
  4. maintain a contracts register for their function for all contract values.

Training will be provided to enable the Procurement Co-Ordinator carry out their role.

- 3.7 As stated already, a procurement process cannot be carried out unless a budget is in place. The approval of contracts must be carried out as follows:
1. contracts between €0 and €25,000 are to be approved by the business unit Assistant Principal or Higher;
  2. contracts between €25,000 and €140,000 are to be approved by the business unit Principal Officer or higher;
  3. contracts between €140,000 and €500,000 are to be approved by the Divisional Assistant Secretary/Director or higher; and
  4. contracts in excess of €500,000 are to be approved by the Chief Executive Officer (Accounting Officer).
- 3.8 Formal signed contracts may be signed in line with this framework for approving payments.
- 3.9 The NSSO's **Procurement Officer** (Andrew Devine) must oversee the tender process of all contracts with an estimated value in excess of €25,000. All tender documents should be retained in accordance with the NSSO's Record Management Policy. This is to facilitate a possible audit of the NSSO's Procurement activity and to maintain the contracts register. Please also note that the NSSO's Finance Unit has instructed that purchase orders in excess of €25,000, cannot be approved unless the Procurement Officer is satisfied that a valid contract is in place and that appropriate procurement procedures have been adhered to. In addition, the Procurement Officer, along with the Office for Government Procurement, will be the first point of contact for advice and assistance.
- 3.10 The Principal Officer who requires the goods or service and initiates the contract is considered to be the **Contract Owner**. They shall have oversight of the procurement process for these goods or services. While they have the responsibility for the Business Unit budget that the procurement of goods is to be paid from, any contracts for services which will be paid from the Central Business Unit (CBU) cost centre must be approved by the Head of Finance, Jarlath Loftus. The Contract Owner may not commence a procurement process for goods or services valued over €5,000 without establishing a clear business need, for example, by way of preparation of a business case or, where applicable at higher expenditure levels, a cost benefit analysis.<sup>4</sup> Any business case should address future phases of the service or purchase of goods that may be required.

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<sup>4</sup> It should be noted that Part B of the Public Spending Code provides advice on the Appraisal and Planning Stages of public projects before expenditure is incurred. It provides that for current expenditure proposals expected to incur **over €20m** (with an annual spend of at least €5m) an economic appraisal should be submitted to the DPER Vote Section who may seek the views of the Central Evaluation Unit in the DPER.

- 3.11 Where a contract is awarded as part of a procurement process, it is prudent to set an expenditure limit. If, during the execution of a contract, it appears that actual expenditure will exceed this expenditure limit, a supplementary proposal must be submitted setting out details of the increased costs, and the factors which have given rise to them. Expenditure in excess of the amount authorised may not be incurred until the supplementary proposal has been approved.
- 3.12 Where it is proposed to award a contract without a competitive process, approval in writing must be sought in advance from the relevant Assistant Secretary and the Procurement Officer must be notified in advance.
- 3.13 A high level summary of procurement procedures and expenditure and approval levels is available on Appendix 1.

#### **Specific Categories of Expenditure**

- 3.14 Certain considerations must be taken into account in relation to specific categories of expenditure. In particular:
- in relation to **expenditure on consultancy and external service providers**,<sup>5</sup> including **advertising**, the prior approval of the Assistant Secretary/Director must be sought for all external advisory contracts (including advertising) with an estimated value in excess of €10,000 but less than €50,000 and the Chief Executive Officer above €50,000. Any person involved in such expenditure should consult the Department of Finance [Guidelines on the Engagement of Consultants and External Support in the Civil Service](#);
  - in relation to ICT-related expenditure, including digital transformation programmes with an ICT dimension, the provisions of DPER/OGCIO [Circular 02/16:Arrangements for Digital and ICT-related Expenditure in the Civil and Public Service](#) must be followed in full. It should be noted in particular that:
    - the prior specific approval of OGCI, Digital Government Oversight Unit, is required each year for all new ICT-related expenditure or new ICT-related initiatives which may give rise to expenditure of €25,000 or greater; and
    - all ICT procurement opportunities with a value of €25,000 or greater must be advertised on the Government [eTenders website](#) unless it is proposed to use a properly procured existing arrangement, central framework or other centrally established procurement vehicle; and

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<sup>5</sup> External Service Providers are defined as organisations that provide the services or the human/physical resources to meet the ICT and other service requirements of a contracting authority. These requirements could include software development; network installation and management; infrastructure management; data centre hosting; managed services; shared services, etc. External service provision involves the transfer of actions for delivering business functions or services to an external service provider but does not include the use of contractors (i.e. external support under the day-to-day direction of the contracting authority) or the cost of purchasing packaged software. Additionally, external support may be required where: - a need for an external assessment is deemed essential; - a study or review is required by an external body (e.g. the European Commission); - a study/project must be completed within a short time scale and, although the knowledge or expertise may be available within the contracting authority, performing the task in-house would involve a prohibitive opportunity cost (i.e. total cost of diverted staff, including relevant overheads etc.) or would be impractical (e.g. staff engaged on other essential duties would have to be diverted), or it might not be possible to redeploy staff cost-effectively redeployed in the timeframe required.

- any person involved in expenditure in relation to certain other categories (e.g. travel and subsistence, entertainment, credit cards etc.) must take due account of the relevant Office Notices/ NSSO policies.

### **Valuation of a Procurement Proposal**

- 3.15 A realistic estimate of the value of all phases of the service or the goods to be procured is essential as this will determine the procedures to be followed.<sup>6</sup> It will also be necessary to take due account of the potential to aggregate procurement activities to maximise efficiencies and savings – see section 3.19 below.
- 3.16 When valuing a specific contract, which in turn will affect the procurement procedure to apply, the estimate must:
- be a genuine and realistic estimate at the date the purchase is notified to the potential vendor(s);
  - be exclusive of VAT;
  - take into account the entire term of any contract agreement (i.e. includes all extensions); and assume that all options in any contract will be exercised.
- 3.17 It is important to estimate carefully the likely volume / value of goods or services required as suppliers who may not be interested in a lower volume / value tender may be interested if the contract is for a substantially higher volume / value. This consideration will also inform the decision as to whether or not to include a provision in the request for quotation / tender documentation allowing for an extension(s) to any contract agreed. Where a contract extension is being considered in cases where the request for quotation/tender documentation did not provide for this, then no extension is allowable.
- 3.18 While contracts of indefinite duration should be avoided, where one is in prospect it should be valued on the basis of four years' anticipated supply.<sup>7</sup>
- 3.19 No project or contract can be artificially split in order to prevent it from coming within the scope of the national guidelines or EU Directives. Where a project or purchase involves separate lots, the value of all lots must be included in estimating the value of the contract.

### **Corporate Procurement Plan**

- 3.20 The Procurement Officer (see section 4.4 below) will develop a Corporate Procurement Plan in conjunction the Finance Officer and relevant Divisions after the Revised Estimates have been finalised and this will be updated periodically throughout the following year. This plan will assist in delivering best practice procurement by facilitating greater co-operation and exchange of information with the OGP. It will allow the Procurement Officer the opportunity to examine the potential, where applicable, for the aggregation of procurement activities for

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<sup>6</sup> If the estimate of the value of a contract is at the margins of the €25,000 or €140,000 thresholds, the SRO should assume it will run over relevant threshold and should apply the appropriate procedure for procurement at the higher threshold.

<sup>7</sup> After the four year period, the procurement project and market should be assessed to establish: if value for money is still being maintained; if there is an alternative; and the current market price for the goods or services is better than the current (four year old) contract. A substantial modification of the provisions of a public contract or Framework Agreement during its term will be considered a new award for the purposes of the 2016 Regulations and will require a new procurement procedure. A list of changes specifically permitted during the life of a contract without a new procurement procedure are set out in the OGP Guidelines, along with details of the provisions that must be included in all contracts to allow it to terminate the contract in certain circumstances.

commonly used goods and services by utilising a whole of Organisation approach (the OGCI0 will provide the input on ICT aggregation given their lead role in this regard). By estimating the whole of Organisation spend for common goods and estimating spend on recurring items over a longer period,<sup>8</sup> the market can be approached in a manner that would secure a more efficient outcome and maximise savings. The plan will also facilitate the Procurement Officer in identifying opportunities for early engagement with the OGP in respect of OGP current and planned arrangements, as well as bespoke arrangements.

### **Procurement Processes**

#### Processes below €5,000

3.21 Where the required expenditure is approved and the considerations set out in 3.13 in relation to specific categories of expenditure have been addressed, and where feasible, any relevant OGP Framework Agreement is utilised (see section 3.23 below), the following arrangements apply :

- goods or services with an estimated value (excluding VAT) under €500 may be purchased directly, subject to the proviso that, where feasible, a verbal quotation (RFQ) is sought from three competitive suppliers.
- goods or services between €500 and €5,000 require a minimum of three verbal Requests for a Quotation (RFQ) and these quotations must be confirmed by email.

#### Processes above €5,000

3.22 Where the required budget is approved and in place and a decision to undertake a procurement valued over €5,000 (excluding VAT) has been agreed, the contract owner must arrange to notify the Procurement Officer, who will initially liaise with the Office of Government Procurement's Key Account Manager (KAM) to establish if the requirement can be met by an existing, scheduled or bespoke arrangement and to establish the best way to proceed. Thereafter, the relevant business unit in the NSSO will have responsibility for managing the procurement process, in conjunction with OGP where applicable.

3.23 A high level summary of the steps in the procurement process and of the roles of the OGP and the NSSO in undertaking a procurement are set out at Appendices 2a and 2b. These are supplemented by Appendices 4 and 4a, which summarise the available approaches to procurement (these are set out in more detail OGP's [Public Procurement Guidelines for Goods and Services](#)) and specific issues to consider during a procurement process. Where a contract involves multiple small level transactions, the contract owner must ensure the €25,000 threshold is not breached, otherwise the steps set out in the procurement process for purchases valued between €25,000 and €140,000 apply.

3.24 The contract owner should oversee the procurement process as it progresses to ensure that all key steps have been satisfactorily completed and, at the conclusion of the procurement process, formally confirm that they have been. Three checklists are provided for this purpose – Appendix 3 sets out the steps in the procurement process for purchases valued above €5,000 and below €25,000; Appendix 3a sets out the steps in the procurement process for purchases valued between €25,000 and €140,000; and Appendix 3b sets out the steps in the open procedure procurement process for purchases valued over the EU Threshold of €140,000.

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<sup>8</sup>The OGP recommends estimating the value of recurring spend over a 4 year period.

### Framework Agreements

- 3.25 The OGP has put in place or has access to a substantial number of Framework Agreements<sup>9</sup> for the provision of goods and services to the public service - a list of these is available [at this link](#). The OGP also publishes a Schedule of Planned Arrangements bi-quarterly. Where contract or framework agreements cannot be put in place they may also advertise to generate approved lists (panels) to supply multiple requirements for similar categories of spend (e.g. print services) below EU thresholds. The KAM is available to advise the Procurement Officer whether any of these meet the needs identified or if any are planned that might do so. It is Government policy<sup>10</sup> that public bodies, where possible, should make use of all such central arrangements. Where the NSSO does not utilise these arrangements, the Contract Manager must provide a value for money justification for not doing so.

### Processes above €5,000 and below the EU Threshold of €140,000

- 3.26 If there are no suitable framework agreements in place to meet the procurement requirements, the following approaches apply:
- contracts for goods and services with an estimated value between €5,000 and €25,000 can be awarded on the basis of responses received to a **written Request for Quotation** i.e. a specification issued by email to at least three competitive suppliers or service providers.<sup>11</sup>,<sup>12</sup> Offers must be evaluated objectively against specified requirements, using a weighted scoring sheet (these scoring sheets will differ depending on the requirements of the Division in relation to the goods or services being procured); and
  - contracts or purchases valued over €25,000 and under €140,000 (the EU Threshold) must be procured by seeking a **Request for Tenders (RFT)** i.e. through a formal tendering process on e-Tenders using the Open Procedure in line with DPER/OGP Circular 10/14.

### Processes above the EU Threshold of €140,000

- 3.27 For contract or purchases above the EU threshold of €140,000, the Contract Owner must contact the Procurement Officer to ascertain if there is an OGP Framework in place or planned that would address their requirement. If there is not, the Procurement Officer will arrange for the Contract Owner to complete a Procurement Support Request (PSR) form for issue to the OGP requesting that OGP undertake a bespoke procurement. Should the OGP not be in a position to conduct the procurement on behalf of the NSSO, contracts or purchases valued over €140,000 may also be procured by seeking a Request for Tenders - e.g. through a formal tendering process on e-Tenders using the Open Procedure. In such cases, the Procurement Officer will liaise with the KAM regarding the availability of OGP assistance to support the

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<sup>9</sup> Framework Agreements are umbrella agreements with one or more suppliers or service providers that set out rules under which specific purchases ("call off" contracts) can be made during the term of the agreement. Their most appropriate use is where the NSSO has a repeated requirement for goods or services but the exact quantities are unknown. They can be placed by the NSSO or the OGP and they can be with a single supplier or multiple suppliers. The maximum duration of an agreement is normally four years and the terms and criteria for awarding contracts under a Framework Agreement must be published at the outset and must not change. "Mini competitions" are where awards are made based on a further competition by inviting all framework members on the Framework to participate – this is done by way of the issue of a Supplementary Request for Tender (SRFT). Framework clients can also directly draw-down goods or services in accordance with the rules set out in the Framework Agreement.

<sup>10</sup> See DPER/OGP [Circular 16/13](#): Revision of arrangements concerning the use of Central Contracts put in place by the National Procurement Service.

<sup>11</sup> Consideration should be given to using the OGP's Quick Quotes facility on e-Tenders to search for appropriate suppliers using Common Procurement Vocabulary (CPV) codes which match the particular procurement requirements

<sup>12</sup> It will be necessary for the purposes of Audit to be able to provide information that shows that every effort was made to obtain a minimum of 3 written competitive quotes.

Contract Owner in identifying the appropriate procurement procedure available for this level of expenditure.

### **Managing Risk**

- 3.28 The risks associated with a procurement process must be specifically assessed, having regard to the NSSO's overall [risk management processes](#). This should be done where: the value of the purchase is high<sup>13</sup> (i.e. over €25,000, excluding VAT); the procurement process is complex; adverse consequences could significantly affect the NSSO's operation; and delivering the NSSO's core services is significantly affected. The risk should be included in the NSSO's Risk Register where considered appropriate.
- 3.29 When risk is being considered with respect to procurement, the Contract Owner should ensure that risk is assessed in relation to each category of goods and services with reference, for example, to: the nature of the supply market, e.g. does it favour the buyer or the supplier; the probability of supply failure; the impact on the NSSO of supply failure; and the strategic importance to the NSSO.

### **Issuing Payments on Foot of a Procurement Process**

- 3.30 The Contract Owner **must** ensure that as soon as there is a contractual obligation to pay on foot of a procurement process, regardless of value, the relevant financial commitment is captured on the financial management system by raising a Purchase Order. This is essential and Purchase Order compliance by Divisions is the subject of regular reporting to the Management Board. An intelligible, plain language, jargon free description must be inputted when setting up all Purchase Orders. This is for both management and audit purposes and will reduce the number of avoidable queries to budget holders.

### **Monitoring and Reporting**

- 3.31 The NSSO is obliged to maintain documentation, for a minimum of three years from the date of the award of a contract, to record the progress of all procurement procedures, whether or not they are conducted by electronic means, and to justify decisions taken at all stages of the procurement procedure, including the following:
- communications with tenderers and internal deliberations;
  - preparation of the procurement documents;
  - dialogue or negotiation, if any; and
  - selection and award of the contract. The NSSO (subject to EU and national law obligations) is also required, at least for the duration of the contract, to keep copies of, and grant access to, all concluded contracts with a value equal to or greater than €1,000,000 in the case of goods and service contracts.
- 3.32 The NSSO must ensure that all contract award procedures include a verifiable audit trail and that where a competitive process was not deemed appropriate, this is clearly recorded. Where it is proposed to award a contract without a competitive process, approval in writing must be sought in advance from the relevant Assistant Secretary and the Procurement Officer

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<sup>13</sup> Where the risk associated with the goods/services being procured is high, a signed/executed contract (which includes the OGP's standard contract terms) should be used, even in cases where the value of the procurement is below €25,000. In the case where the SRO is at AP level, they should liaise with the relevant PO in relation to entries for the Risk Register.

must be notified before proceeding.<sup>14</sup> Where such a contract is awarded and the value exceeds €25,000, [Department of Finance Circular 40/02](#) requires the NSSO to send an annual report<sup>15</sup> signed by the Accounting Officer to the Comptroller and Auditor General explaining why a competitive process was not used - a copy of the annual report must also be sent to the [Policy Unit](#) of the OGP.

- 3.33 Regulation 84 of the 2016 Regulations requires the NSSO to prepare a written report for every contract above the EU threshold of €140,000.<sup>16</sup> This report must be lodged in the project file and must contain the information set out in Appendix 5a. Under DPER/OGP Circular 10/14, buyers are required to publish Contract Award Notices for all contracts over €25,000 on e-Tenders on completion of the award. To the extent that the Contract Award Notice contains the information required under this Regulation, the NSSO may refer to that notice.

#### Ensuring Value for Money

- 3.34 All signed/executed contracts regardless of value, and any informal (offer and acceptance) contracts over €5,000 entered into that involve an ongoing maintenance element or where the supply involves ongoing liaison with the supplier, should be actively and effectively managed and monitored by the Contract Owner to maximise value for money (VFM). The following are standard steps that should be followed in managing a contract:
- have a programme of checking goods or services against the contract specification;
  - ensure that there are regular procedures for reporting and for identifying inadequacies/poor performance and appropriate remedial action;
  - maintain a record of supplier performance; and
  - review<sup>17</sup> the whole procurement process at the conclusion of the contract, not just the supplier's performance but also the effectiveness of the earlier stages. This review process can provide information for future procurements in respect of developing and specifying needs, supplier selection and contract management.

#### Contracts Register

- 3.35 It is essential that monitoring and reporting obligations in relation to contracts entered into by the NSSO can be met. With regard to any consultancy or any signed/executed contract regardless of value, or any informal (offer and acceptance) contract over €5,000,<sup>18</sup> the details set out at Appendix 7 must be provided to the Procurement Officer once the contract is agreed, in order for it to be included in the NSSO Contracts Register. Documents held locally

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<sup>14</sup> Sections 3 and 4 of Office Notice 3/2011 no longer apply and the Head of Internal Audit no longer has a role in respect of sections 5 and 7.

<sup>15</sup> See Appendix A of Department of Finance Circular 40/02 for the format involved.

<sup>16</sup> This applies also in respect of Framework Agreements (other than mini-competitions), and on the establishment of every Dynamic Purchasing System.

<sup>17</sup> It should be noted that the NSSO is expected, as a matter of good practice, to put in place formal arrangements to ensure that all projects with a cost equal to or in excess of €1 million are subject to a post-implementation review, carried out within one year of project completion (with external support in necessary) to determine if the benefits of the project have been achieved as envisaged, that the NSSO is extracting the maximum value from the deliverables of the project. Such a review should also consider if there are lessons to be learned for the commissioning of future projects – see section 8.3 of the Guidelines for the engagement of Consultants and Other External support by the Civil Service.

<sup>18</sup> An informal (offer and acceptance) contract arises where following an RFQ (either verbal or written) An NSSO official confirms in writing to the supplier of the goods or services (usually by email) that the NSSO accepts the terms that the supplier has offered. Such contracts don't normally include detailed contractual terms between the parties. It is not intended that the Register will record contracts for the supply of products/goods where that supply does not involve an ongoing maintenance element or where the supply does not involve ongoing liaison with the supplier.

must also be made available to the NSSO's procurement officer upon request for audit purposes.

- 3.36 Entries in the Contracts Register will be used to:
- provide quarterly reports to the CEO and the Management Board on high-value contracts awarded (i.e. over €25,000) and all contracts for consultancy and for external service provision;
  - publish public procurement details under its FOI Publication Scheme obligations in relation to all public contracts awarded over €25,000; and
  - provide background information to the Finance Officer to assist in the preparation of the Value for Money (VFM) Report<sup>19</sup> on capital, consultancy and IT projects over €25,000 that is submitted every six-months to the CEO and the Management Board.

#### **Maintaining files during the procurement process**

- 3.37 A file should be opened on the e-docs system, in line with the NSSO Business Filing Rules, in respect of each procurement process commenced for goods or services valued over €5,000. Each file should be clearly titled and marked with the topic "procurement" and all emails, correspondence etc. in relation to the process must be stored on that file. It should be noted that e-Tenders provides a detailed audit trail of the procurement process from contract notice through to award notice and contract management. A checklist for the procurement file and any contract file opened is provided at Appendix 5.
- 3.38 When a procurement file is opened on e-docs, full access to it (and to any relevant physical folders or files opened) must be provided to the Procurement Officer to allow for the carrying out of internal reviews of a random sample of procurements as needed.
- 3.39 If a formal contract is entered into on foot of a procurement process, a separate folder must be created on the procurement file to hold an electronic copy of the final, signed, contract and the Procurement Officer must be given full access to this folder. This folder should be marked with the topic "contracts". The original signed copy of the contract must also be held on an official, physical, file.

## **4.0 Roles and Responsibilities**

### **Contract Owner**

- 4.1 A Contract Owner shall have oversight of the procurement process for goods or services. The Principal Officer with responsibility for the Business Unit budget that the proposed procurement is to be paid from is considered to be the Contract Owner in the case of procurements valued over €25,000, unless this role is otherwise formally assigned. The relevant Assistant Principal level in the Business Unit shall be the Contract Owner in respect of purchases below €25,000, unless otherwise this role is otherwise formally assigned.

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<sup>19</sup> The VFM Report addresses the following issues: Description of Project/Date Approved/Target Date for Completion; Project Manager; Cost Estimate at the start of the contract; Total Payments to (June/December); Estimated Completion Cost; Is the project on time, within budget and being progressed in accordance with relevant guidelines?; Is VFM being obtained?; Expected benefits to be derived from expenditure on the project.

- 4.2 The Contract Owner will take full responsibility for the procurement process and ensuring that there is appropriate liaison with the Procurement Officer, the person nominated by the OGP to provide procedural advice and assistance, and the Chief State Solicitor's Office (CSSO) if required. The Contract Owner may delegate some of the tasks in the procurement process but they must retain overall responsibility and must sign-off on all key outputs.
- 4.3 The Contract Owner has specific responsibility, as appropriate, for:
- ensuring that the necessary approvals have been granted prior to commencement of the procurement — this may involve completion of a business case and/or cost benefit analysis, ensuring there is available budget and conducting a risk assessment;
  - ensuring that there is adequate amount of time provided for the procurement process;
  - ensuring that a procurement file is opened on e-docs for each proposed procurement over €5,000 (excluding VAT), in line with the NSSO's Business Filing Rules, and that all correspondence, emails, approvals, procurement documentation, and contracts etc. are appropriately filed;
  - liaising with the OGP regarding the use of existing Framework Agreements and with the OGP and the Chief State Solicitors Office (where necessary) regarding standard contracts and tender documents;
  - ensuring RFQ specifications reflect fit-for-purpose standards and have clearly defined performance targets;
  - ensuring compliance with the procurement rules, including ensuring:
    - that the correct template tender documentation is accurately completed and does not contain conflicting requirements on issue;
    - that appropriate qualification and award criteria are used;
    - that late tender submissions are never accepted;
    - that a Contract Award Notice is published when required; and
    - that legally compliant standstill letters are drafted and issued where appropriate and that the standstill period is observed when required;
  - checking and challenging the scoring and commentary from the Tender Evaluation Team and ensuring the accuracy of all statements of facts and claims made;
  - ensuring tender evaluation reports relating to procurement are complete and accurate;
  - reporting any concerns or perceived bias to or against any tenderer to the Procurement Officer;
  - ensuring that formal contracts are notified to the Procurement Officer for inclusion on the Contracts Register;
  - ensuring that Purchase Order requirements are adhered to;
  - ensuring that contracts entered into are actively and effectively managed and monitored to maximise value for money; and
  - ensuring that documents in relation to contract closure are retained and that a formal post project review and evaluation is carried out in respect of procurements valued over €1 million.

## Procurement Officer

4.4 The NSSO is required to have a nominated Procurement Officer under Department of Finance Circular 40/02. The Procurement Officer for the NSSO is Andrew Devine (Phone Number: 01 773 8566). He will be the NSSO's first point of contact with the OGP and the OGP's Key Account Manager (KAM) in particular.

4.5 As noted above, the Contract Owner will have oversight of the procurement process in his/her area of responsibility and will liaise with the Procurement Officer. The Procurement Officer has responsibility for:

- liaison with the OGP and the KAM in particular, including sharing OGP communications with staff;
- providing advice as and when required to staff procuring goods and services to assist them in complying with this policy;
- carrying out random internal reviews, including discussion as necessary with the SRO, to ensure that business units comply with this policy including in relation to:
  - the prevention and remediation of conflicts of interest and bias issues, including acceptance of gifts and bribes and collusive tendering;
  - the opening and registering of tenders;
  - the conduct of evaluations by Tender Evaluation Teams; and
  - the creation and maintenance of procurement documentation and files;
- reporting any procurement issue which gives cause for concern to the CEO;
- maintaining the Contracts Register; providing quarterly reports on it to the Management Board and arranging for the publication of relevant details where required;<sup>20</sup> and providing background information from it to the Finance Officer to assist in the preparation of the six-monthly Value for Money (VFM) Report;
- liaising with the Finance Officer to obtain reports on expenditure as a tool to assist compliance with the requirements of this policy;
- liaising with the OGCI's Authorised ICT Procurement Officer (see 4.6 below);
- preparing the 40/02 Annual Return for the CEO where required, for issue to the C&AG;
- preparing the annual Corporate Procurement Plan in conjunction with Divisions and the Finance Officer as appropriate;
- providing reports to the Management Board as agreed in relation to procurement activity in the NSSO;
- in line with the NSSO's Finance Unit instruction, purchase orders in excess of €25,000, cannot be approved unless the Procurement Officer is satisfied that a valid contract is in place and that appropriate procurement procedures have been adhered to.

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<sup>20</sup> Under FOI Publication Scheme obligations, the NSSO must publish all public contracts awarded over €25,000 (ex VAT). Details to be published are: whether this is an award for a single contract or an award from a framework; Name of winning contractor and legal address; Value of the contract (exclusive of VAT); Type of Contract (works, supplies, services); Contract Award Date; Duration of contract in months; Brief description of contract.

### **Procurement Coordinator**

The role of the Procurement Coordinator is to be the first point of contact on all procurement matters locally.

- They will liaise with the Procurement Officer on all tenders valued between €5,000 and €25,000.
- Notify the Procurement Officer of all contracts required valued in excess of €25,000
- Assist in maintaining the contracts register
- Provide commentary/other information when required

We request that all Principal Officers inform the Corporate Governance Unit of their nominated Procurement Coordinator at their earliest convenience. The designated Procurement Coordinators will then be provided with extensive training and workshops in Risk to assist them in their roles.

### **OGCIO Authorised ICT Procurement Officer**

4.6 As noted at Section 2.2, the NSSO recognises the particular nature and scale of procurement activity undertaken by the OGCI0. The OGCI0 will nominate an Authorised ICT Procurement Officer who will have responsibility for:

- overseeing appropriate implementation of this policy in OGCI0, including carrying out random internal reviews;
- ensuring that staff in OGCI0 are aware of their obligations in terms of complying with this policy; and
- providing reports as required to the NSSO's Procurement Officer.

### **Tender Evaluation Team**

4.7 The Tender Evaluation Team assembled by the SRO will evaluate all tenders in a fair and unbiased fashion and in strict compliance with the evaluation methodology and the qualification and award criteria set out in the tender documents.

4.8 Staff involved in the evaluation of a tender as part of a procurement process must sign the NSSO's Declaration Regarding Conflict of Interest and Confidentiality Undertaking - see Appendix 6 - except where the tender process is being managed by the OGP, in which case they must sign a similar declaration for the OGP.

### **Finance Officer**

4.9 The Finance Officer has responsibility for:

- monitoring and reporting to the Management Board on Purchase Order compliance by Divisions;
- ensuring Divisions remain within agreed expenditure profiles;
- liaising with the Procurement Officer to provide reports on expenditure as a tool to assist compliance with the requirements of this policy;
- liaising with the Procurement Officer to produce the annual Corporate Procurement Plan; and
- preparing the six-monthly VFM report on capital, consultancy and IT projects over €25,000 for submission to the CEO.

### **Management Board**

4.10 The Procurement Officer will provide information to the board as required.

## **Office of Government Procurement**

- 4.11 Through the provision of professional procurement services and advice, the OGP seeks to ensure that the Public Service can efficiently and effectively access the best value goods and services in a legally compliant manner thus enabling the provision of superior public services. The goals of the OGP are to:
- Deliver better value and sustainable savings for the taxpayer;
  - Integrate procurement policy, strategy and operations;
  - Enable consistency and standardise the approach to public procurement;
  - Deliver broader policy goals in a consistent fashion; and
  - Strengthen procurement spend analytics and data management.
- 4.12 The OGP has assigned a Key Account Manager (Mark Kehoe) to liaise with the NSSO's Procurement Officer in relation to Framework Agreements available to the NSSO to draw down from and as key point of contact for the provision of OGP updates and changes in Regulations.
- 4.13 The Key Account Manager will work with the Procurement Officer to understand the NSSO's procurement requirements and provide guidance on accessing OGP's current and planned arrangements that meet these requirements. The KAM can also work with the Procurement Officer to identify future NSSO requirements where OGP may provide a bespoke service. The KAM and OGP Helpdesk are also available to the Procurement Officer in answering general procurement related queries and can provide general advice.

## **5.0 Implementation and Education**

- 5.1 This policy will be emailed to all staff and uploaded to the intranet. The Corporate Governance Unit will provide advice and assistance on implementation as required.
- 5.2 Where a member of staff considers they require formal procurement training, they should contact the Procurement Officer for advice.

## **6.0 Sanctions**

- 6.1 Any failure to adhere to this policy would be a serious matter and would be addressed in the context of the day-to-day management of staff performance by the relevant member of the Management Board.

## **7.0 Related documentation**

- 7.1 This policy should be considered in conjunction with documents mentioned at the following sections:
- Section 3.2: OGP Guidelines;
  - Section 3.3: Business Filing Rules;
  - Section 3.9: DPER Circular 13/13: the Public Spending Code;
  - Section 3.12: DPER/OGCIO Circular 02/16: Arrangement for digital and ICT related expenditure in the Civil and Public Service.
  - Section 3.24: DPER/OGP Circular 16/13: Revision of arrangements concerning the use of Central Contracts put in place by the National Procurement Service.
  - Section 3.30: Department of Finance Circular 40/02: and
  - Section 3.32: Guidelines for Engagement of Consultants.

## **8.0 Contacts**

8.1 If you have any queries on this policy please contact the Procurement Officer, Andrew Devine, Corporate Business Unit (Phone: 01 773 8566).

## **9.0 Evaluation and Review**

9.1 This policy will be reviewed on a periodic basis in line with the review date identified on the policy unless a need to update the policy is identified (e.g. changes in technology, an audit, changes in best practice). Outcomes of any review will be reported to the Governance Committee in line with the Policy on the Development, Approval, Maintenance and Review of Corporate Policies.

## **10.0 Appendices**

Appendix 1: Procurement Procedures and Approval Limits

Appendix 2: Summary of Steps in the Procurement Process

Appendix 2a: Roles of OGP and Department in Undertaking Bespoke and Mini- Competition Procurement Processes

Appendix 3: Key Steps in a Procurement Process - €5,000 to €25,000

Appendix 3a: Key Steps in a Procurement Process - €25,000 to €140,000

Appendix 3b: Key Steps in a Procurement Process - over €140,000

Appendix 4: Approaches to Procurement

Appendix 4a: Specific issues to consider during the Procurement Process

Appendix 5: Checklist for Maintaining Files on the Procurement Process

Appendix 5a: Regulation 84 Information

Appendix 6: Evaluation Team Member Declaration Regarding Conflict of Interest and Confidentiality Undertaking

Appendix 7: Contract Register Details

## Appendix 1: Procurement Procedures and Approval Limits

The Procurement Procedures to be followed, as prescribed by the NSSO's Policy in line with relevant legislation and guidance, vary according to the value of the contract. Below is a high-level summary of Procurement Procedures and Expenditure Approval Levels:

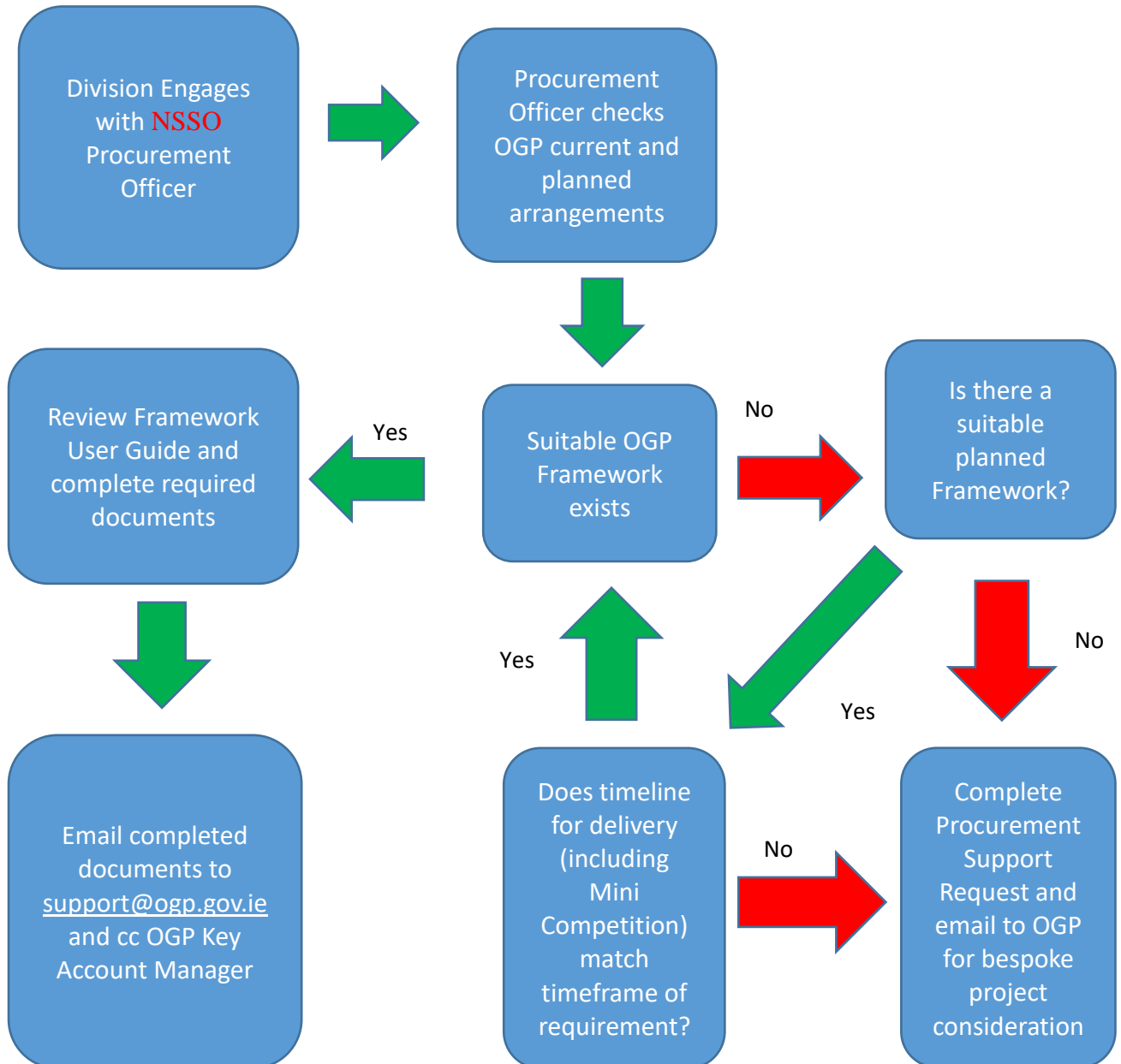
Value of Contract (excl. VAT)	Procurement Procedure	Expenditure Approval Limits *	
		Expenditure	Non-Routine Expenditure
Up to €500	Purchase directly (i.e. seek a verbal quotation from one supplier). If feasible, seek a verbal quotation from three competitive suppliers.	Up to €25,000 – approved by Assistant Principal or higher	Up to €140,000 – approved by Principal Officer or higher
Over €500 and less than €5,000	Verbally request quotations (RFQ) from at least three competitive suppliers and these are confirmed by email		
Between €5,000 and €25,000	Issue a written RFQ to a minimum of three suppliers		
Over €25,000 and up to EU threshold of €140,000	Check to see if the OGP have an existing suitable framework in place Issue a formal Request for Tender (RFT) on e-Tenders	Between €25,000 and €140,000 – approved by Principal Officer or higher	
Over EU threshold of €140,000	Check to see if the OGP have an existing suitable contract or framework in place	Between €140,000 and €500,000 – approved by Assistant Secretary / Director or higher	Between €140,000 and €500,000 – approved by Assistant Secretary / Director or higher
	Issue a formal RFT pursuant to a Notice in the Official Journal of the EU via the website: <a href="http://www.etenders.gov.ie">www.etenders.gov.ie</a>	Over €500,000 – approved by CEO	Over €500,000 – approved by CEO

Please note that all thresholds listed above are exclusive of VAT.

\* **Consultancy:** the prior approval of the Assistant Secretary / Director should be sought for all external advisory contracts (including advertising) with an estimated value in excess of €10,000 but less than €50,000 and the Chief Executive Officer above €50,000.

## Appendix 2: Summary of Steps in the Procurement Process

The graphic below summarises, at a high level, the steps in a procurement process



## Appendix 2a: Roles of OGP and NSSO in Undertaking Bespoke and Mini-Competition Procurement Processes

The roles of the OGP and the NSSO in undertaking a bespoke competition and in conducting a mini-competition on foot of an existing framework agreement are set out in the graphic below.



## Appendix 3: Steps in a procurement process for purchases valued above €5,000 and below €25,000 (excluding VAT)

### Background

Contracts for goods or services valued under €500 (excluding VAT) may be purchased directly, subject to the proviso that, where feasible, a Framework Agreement put in place by the OGP is utilised or, where a Framework Agreement is not available, a verbal quotation (RFQ) is sought from at least three competitive suppliers.

Assuming there is no suitable Framework Agreement in place, contracts for goods and services with an estimated value of between €500 and €5,000 (exclusive of VAT) can be purchased on the basis of a **verbal Request for a Quotation** (RFQ) from at least three competitive suppliers, confirmed by email. Selection from among the quotes received should be made on the basis of lowest price/most suitable quote.

Assuming there is no suitable Framework Agreement in place, contracts for goods and services with an estimated value between €5,000 and €25,000 (exclusive of VAT) can be awarded on the basis of responses received to a **written Request for Quotation** i.e. a written specification issued by email to at least three competitive suppliers or service provider. Consideration should be given to using the OGP's [Quick Quotes facility on eTenders](#) to search for appropriate suppliers using Common Procurement Vocabulary (CPV) codes<sup>21</sup> which match the particular procurement requirements. Offers must be evaluated objectively against specified requirements, using a weighted scoring sheet.

### Steps in a procurement process for purchases valued above €5,000 and below €25,000 (excluding VAT)

The key steps in the procurement process for purchases valued above €5,000 and below €25,000 include the following:

1. Open a procurement file and retain all relevant correspondence, emails etc.
2. Develop an agreed business case.
3. Develop a realistic estimate of the value of all phases of the service or the goods to be procured to determine the procedures to be followed.
4. Confirm budget is in place and approval to proceed has been obtained.
5. Consider conducting a project risk assessment.
6. Notify the Procurement Officer.
7. If a Framework Agreement can be used, review the Framework Guide provided on the OGP website, complete the documents required (these differ depending on whether a Mini-Competition is required or if a Direct Drawdown is possible) and email them to [support@ogp.gov.ie](mailto:support@ogp.gov.ie) and copy to the OGP Key Account Manager.
8. If there is no available Framework Agreement, for values from €5,000 to €25,000, seek to obtain<sup>22</sup> 3 written competitive quotations by sending (by email) a **written specification** of

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<sup>21</sup> The CPV is a detailed system of codes for describing works, goods and services to be advertised in the OJEU.

<sup>22</sup> It will be necessary for the purposes of Audit to be able to provide information that shows that every effort was made to obtain a minimum of 3 written competitive quotes.

requirements to potential suppliers (RFQ). The RFQ must state the rules of the procedure, including the criteria for awarding the contract.<sup>23</sup>

9. Answer any clarification queries tenderers may have
10. Evaluate against specified requirements, using a weighted scoring sheet.<sup>24</sup> An Evaluation Committee may be established for this purpose if the SRO considers it appropriate. Maintain a signed record of the evaluation.
11. Check if the supplier is Tax Compliant.<sup>25</sup>
12. Notify unsuccessful bidders by letter.
13. Raise a Purchase Order, as per DPER Office Notice 11/2016.
14. Execute contract where appropriate and issue Confidentiality Agreement
15. Advise the Procurement Officer of details of any contract entered into.
16. Issue payment within 15 (or 30) days of invoice.
17. It is prudent that when multiple small level transactions are being made, checking is in place by the contract owner to ensure the €25,000 threshold is not breached.
18. Monitor quality of goods and services and take any action necessary to ensure VFM for the Department.
19. After the project comes to an end, ensure any learnings are captured for future reference.
20. Complete declaration immediately below to confirm that steps above have been satisfactorily completed in respect of this procurement process and put a soft copy on the procurement file.

### **Declaration by the Contract Owner**

<b>Description of Procurement Project/Exercise:</b>	
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**I hereby confirm that the steps above have been satisfactorily completed in respect of this procurement process.**

Name (Block Capitals)	
Signature	
Date	
Position	

<sup>23</sup> The RFQ should include: specification of requirements; award decision (price, or quality and price); closing date for receipt; method of submission; general terms around tax, insurance or other statutory requirements.

<sup>24</sup> Sample award criteria for a service contract include: ultimate cost, methodology for the delivery of the service, the quality, quantity and balance of resources offered for the contract: the project plan, reliability and continuity of supply; and quality assurance programme implemented for the contract.

<sup>25</sup> Note: At the selection stage, the NSSO is required to exclude from further consideration any tenderers who have been convicted of specified offences. Where a tenderer is not excluded, they are assessed based on information concerning their suitability to pursue a professional activity, economic and financial standing and/or as technical capacity and ability. Details in these regards, along with information on dealing with consortia and subcontractors, are set out in the OGP Guidelines.

## Appendix 3a: Steps in a procurement process for purchases valued between €25,000 and €140,000 (ex VAT)

### Background

If there is no suitable Framework Agreement in place, contracts or purchases valued over €25,000 may be procured by seeking a **Request for Tenders** i.e. through a formal tendering process on e-Tenders using the Open Procedure in line with DPER/OGP Circular 10/14.

### Steps in a procurement process for purchases valued between €25,000 and €140,000 (ex VAT)

The key steps in the procurement process for purchases valued between €25,000 and €140,000 include the following:

1. Open a procurement file and retain all relevant correspondence, emails etc.
2. Develop an agreed business case or Cost Benefit Analysis.
3. Develop a realistic estimate of the value of all phases of the service or the goods to be procured to determine the procedures to be followed.
4. Confirm budget is in place and approval to proceed has been obtained.
5. Conduct a project risk assessment.
6. Notify the Procurement Officer who will oversee the Procurement process.
7. Check if OGP Framework Agreement is in place and can be utilised.
8. If a Framework Agreement can be used, review the Framework Guide provided on the OGP website, complete the documents required (these differ depending on whether a Mini-Competition is required or if a Direct Drawdown is possible) and email them to [support@ogp.gov.ie](mailto:support@ogp.gov.ie) and copy to the OGP Key Account Manager
9. If there is no available Framework Agreement, draw up Request for Tender (RFT) documentation in conjunction with OGP. Agree weighting of award criteria. <sup>26</sup>
10. Issue Request for Tenders on e-Tenders, using open procedure, in liaison with OGP.
11. Publish the RFT on e-Tenders - a minimum of three weeks should be allowed for submission of tenders.
12. Answer any clarification queries tenderers may have.
13. Establish a Tender Evaluation Team to assess quotes/tenders.
14. Open and Register Tenders and maintain copies (at least two members of the evaluation team should open the tenders together and a record of the tender opening should be maintained for inspection or audit).
15. Reject tenders not meeting RFT requirements/selection criteria<sup>27</sup>
16. Evaluate using weighted criteria sheet and select highest scoring tender. Maintain a signed record of the evaluation.
17. Check if Supplier is Tax Compliant.

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<sup>26</sup> Sample award criteria for a service contract include: ultimate cost, methodology for the delivery of the service, the quality, quantity and balance of resources offered for the contract; the project plan, reliability and continuity of supply and quality assurance programme Implemented for the contract.

<sup>27</sup> Note: At the selection stage, the NSSO is required to exclude from further consideration any tenderers who have been convicted of specified offences. Where a tenderer is not excluded, they are assessed based on information concerning their suitability to pursue a professional activity, economic and financial standing and/or as technical capacity and ability. Details in these regards, along with information on dealing with consortia and subcontractors, are set out in the OGP Guidelines.

18. Notify/debrief unsuccessful bidders — use model letters provided at Appendix III of OGP Guidelines.
19. Raise a Purchase Order, as per DPER Office Notice 11/2016.
20. Issue a Contract Award Notice<sup>28</sup>
21. Execute the Contract and issue Confidentiality Agreement
22. Advise the NSSO Procurement Officer of details of any contract entered into.
23. Issue payment within 15 (or 30) days of invoice.
24. Monitor quality of goods and services and take any action necessary to ensure VFM for the Department.
25. Carry out a post project review and evaluation.
26. Complete declaration immediately below to confirm that steps above have been satisfactorily completed in respect of this procurement process and put a soft copy on the procurement file.

### **Declaration by the Contract Owner**

<b>Description of Procurement Project/Exercise:</b>	
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**I hereby confirm that the steps above have been satisfactorily completed in respect of this procurement process.**

Name (Block Capitals)	
Signature	
Date	
Position	

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<sup>28</sup> Under DPER/OGP [Circular 10/14](#), buyers are required to publish Contract Award Notices for all contracts over €25,000 on e-Tenders on completion of the award.

## Appendix 3b: Steps in a procurement process for purchases valued over €140,000 (ex VAT)

### Background

For contract or purchases above the EU threshold of €140,000, the Contract Owner must contact the Procurement Officer to ascertain if there is an OGP Framework in place or planned that would address their requirement. If there is not, the Procurement Officer will arrange for the Contract Owner to complete a Procurement Support Request (PSR) form for issue to the OGP requesting that OGP undertake a bespoke procurement.

Should OGP not be in a position to conduct the procurement on behalf of the NSSO, contracts or purchases valued over €140,000 may be procured by seeking a Request for Tenders - i.e. through a formal tendering process on e-Tenders using the Open Procedure. In such cases, the Procurement Officer will liaise with the KAM regarding the availability of OGP assistance to support the Contract Owner in identifying the appropriate procurement procedure available for this level of expenditure.

### Steps in the Open Procedure<sup>29</sup> for procurement of purchases valued over €140,000 (ex VAT)

The key steps in the procurement process for purchases valued over €140,000 include the following:

1. Open a procurement file and retain all relevant correspondence, emails etc.
2. Develop an agreed business case or Cost Benefit Analysis.
3. Develop a realistic estimate of the value of all phases of the service or the goods to be procured to determine the procedures to be followed.
4. Confirm budget is in place and approval to proceed has been obtained.
5. Conduct a project risk assessment.
6. Notify the Procurement Officer who will oversee the Procurement process.
7. Check if OGP Framework Agreement is in place and can be utilised.
8. If a Framework Agreement can be used, review the Framework Guide provided on the OGP website, complete the documents required (these differ depending on whether a Mini-Competition is required or if a Direct Drawdown is possible) and email them to [support@ogp.gov.ie](mailto:support@ogp.gov.ie) and copy to the OGP Key Account Manager
9. If there is no available Framework Agreement, draw up Request for Tender (RFT) documentation in conjunction with OGP. Agree weighting of award criteria.<sup>30</sup>
10. Issue Request for Tenders on e-Tenders using the open procedure, in liaison with OGP.
11. Publish the RFT on e-Tenders – the minimum time limit for receipt of tenders is 35 days
12. Answer any clarification queries tenderers may have.
13. Establish a Tender Evaluation Team to assess quotes/tenders.
14. Open & Register Tenders and maintain copies (at least two members of the evaluation team should open the tenders together and a record of the tender opening should be maintained for inspection or audit).

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<sup>29</sup> Note that where it is proposed to award a contract without a competitive process, approval in writing must be sought in advance from the relevant Assistant Secretary and the Procurement Officer must be notified before proceeding.

<sup>30</sup> Sample award criteria for a service contract include: ultimate cost, methodology for the delivery of the service, the quality, quantity and balance of resources offered for the contract; the project plan, reliability and continuity of supply and quality assurance programme implemented for the contract.

15. Reject tenders not meeting RFT requirements/selection criteria<sup>31</sup>
16. Evaluate using weighted criteria sheet.
17. Check if Supplier is Tax Compliant.
18. Notify/debrief unsuccessful bidders and hold the mandatory standstill period using the model letters at Appendix VI of OGP Guidelines.
19. Raise a Purchase Order, as per Office Notice 11/2016.
20. Issue a Contract Award Notice
21. Send Contract Award Notice to OJEU via e-Tenders
22. Execute the Contract and issue Confidentiality Agreement
23. Advise the Procurement Officer of details of any contract entered into.
24. Issue payment within 15 (or 30) days of invoice.
25. Monitor quality of goods and services and take any action necessary to ensure VFM for the Department.
26. Carry out a post project review and evaluation.
27. Complete declaration immediately below to confirm that steps above have been satisfactorily completed in respect of this procurement process and put a soft copy on the procurement file.

### **Declaration by the Contract Owner**

<b>Description of Procurement Project/Exercise:</b>	
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**I hereby confirm that the steps above have been satisfactorily completed in respect of this procurement process.**

Name (Block Capitals)	
Signature	
Date	
Position	

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<sup>31</sup> Note: At the selection stage, the NSSO is required to exclude from further consideration any tenderers who have been convicted of specified offences. Where a tenderer is not excluded, they are assessed based on information concerning their suitability to pursue a professional activity, economic and financial standing and/or as technical capacity and ability. Details in these regards, along with information on dealing with consortia and subcontractors, are set out in the OGP Guidelines.

## Appendix 4: Approaches to Procurement

### Purchases below the EU Threshold of €140,000

The OGP Guidelines note that the National Guidelines should be applied in respect of purchases below the EU Threshold<sup>32</sup> (currently €140,000). There are three different approaches set out in the Guidelines, depending on the estimated value of the purchase:

- Goods and services with an estimated value of less than €5,000 (exclusive of VAT) may be purchased on the basis of a minimum of 3 verbal quotes from one or more competitive suppliers;
- Contracts for goods and services with an estimated value between €5,000 and 25,000 (exclusive of VAT) may be awarded on the basis of responses to written specifications (e.g. sent by email) to at least three suppliers or service providers. Consideration should be given to using the OGP's [Quick Quotes facility on eTenders](#) to search for appropriate suppliers using Common Procurement Vocabulary (CPV) codes<sup>33</sup> which match the particular procurement requirements;
- Contracts for goods and or services, with an estimated value of €25,000 (exclusive of VAT) and up to the value of the EU threshold should be advertised as part of a formal tendering process on e-Tenders using the Open Procedure.

### Purchases above the EU Threshold of €140,000

The procurement of all goods and most services contracts require the full application of the public procurement rules in the 2016 Regulations as set out below. It is a legal requirement that contracts with estimated values equal to or above the EU thresholds must be advertised in the OJEU (which may be accessed via e-Tenders) and awarded in accordance with the provisions of the 2016 Regulations. Any infringement of the terms of the Regulations can have serious legal and financial consequences for the NSSO. The procedures are:

- Free Choice procedures – these may be:
  - **Open:** this is the most commonly used procedure and involves inviting an unlimited amount of offers. Its main disadvantage is the potential administrative burden of having to examine a large number of tender documents and it may therefore not be appropriate for complex procurements; and
  - **Restricted:** this tends to be used where there is a need to pre-qualify suppliers where there is evidence that the number of potential suppliers is very large or the NSSO wants to limit the number of people who will have access to certain confidential and/or sensitive information. The disadvantage of the procedure is that it takes longer and is sometimes more complicated to run.
- Specific Circumstances procedures – these may be:
  - **Competitive Dialogue or Competitive Procedure with Negotiation:** These procedures tend to be used in the case of complex high-value projects where certain conditions are met, e.g. a major integrated transport infrastructure project or a large computer networks project (see pages 45–48 of the OGP Guidelines). They are not intended to be used for off-the-shelf goods and services which are available from many different suppliers on the market and the justification for using them must be clearly recorded;

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<sup>32</sup> The EU Threshold is currently €140,000 (since January 2022) and is revised every two years.

<sup>33</sup> The CPV is a detailed system of codes for describing works, goods and services to be advertised in the OJEU.

- **Innovative Partnership:** this aims to allow the development of innovative goods, services or works and the subsequent purchase provided that it corresponds to the performance levels and maximum costs agreed between the NSSO and the participants; and
- **Negotiated Procedure without Prior Publication:** This procedure can only be used in very limited and narrowly defined circumstances, e.g. where no tenders or no suitable tenders or no requests to participate or no suitable requests to participate have been submitted in response to an Open or Restricted Procedure, or where for technical or artistic reasons, or the protection of exclusive rights, the contract can only be carried out by a particular supplier. The burden of proof is on the NSSO to justify using this procedure. Consequently, prior approval at Assistant Secretary/Director level to award a contract on the basis of this approach must be obtained in all cases.

## Light-touch Regime

The 2016 Regulations introduced a simplified award regime (a “light-touch” regime) for 14 broad categories of services, notably health, social, educational and cultural services, to take into account their specific nature. For more details of the precise services falling within this regime, please refer to Annex XIV of the EU Directive where the relevant CPV codes for these services are set out. The 2016 Regulations only apply to these services for contracts with an estimated value at or above a higher threshold of €750,000. Contracts below this value would typically not attract cross-border interest unless there are concrete indications to the contrary (such as EU financing for cross border projects). Appendix IV of the OGP Guidelines details the rules in relation to the Light Touch Regime.

## Electronic Procurement

Electronic notification and electronic access to tender documents is currently mandatory and Dynamic Purchasing Systems<sup>34</sup> must currently be operated as a currently electronic means. The NSSO is not obliged to require electronic means of communication in certain limited circumstances at present (see pages 66–69 of the OGP Guidelines) but where it does not, it must indicate in its report of the procurement process the reasons why it did not do so.

## Framework Agreements

A Framework Agreement is in effect an umbrella agreement with one or more suppliers or service providers that set out rules under which specific purchases (“call off” contracts) can be made during the term of the Framework Agreement. The most appropriate use of a Framework Agreement is where a contracting authority (i.e. the NSSO) has a repeated requirement for goods or services but the exact quantities are unknown. It is Government policy that public bodies, where possible, should make use of all such central arrangements. Where public bodies do not utilise these arrangements, they should be in a position to provide a value for money justification for not doing so.

Framework Agreements can be placed by an individual contracting authority or a Centralised Purchasing Body such as the OGP; they can be with a single supplier or multiple suppliers. The maximum duration is four years (unless in exceptional circumstances justified by the subject of the Framework Agreement) and the terms and criteria for awarding contracts under a Framework Agreement must be published at the outset and must not change.

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<sup>34</sup> A Dynamic Purchasing System (DPS) is a completely electronic system which may be established by the NSSO to purchase commonly used goods, works or services which are generally available on the market. It is unlikely to be suitable for one-off, bespoke and/or highly-complex requirements.

Although it is possible to use any one of the five main competitive procedures to put in place a Framework Agreement, in practice the Open and Restricted Procedures are more commonly used.

**“Direct Drawdowns”** are where framework clients can directly draw-down goods or services in accordance with the rules set out in the Framework Agreement. For example a contracting authority may opt to use a cascade approach for call-off where a contract is always offered first to the first ranked tenderer at the framework award stage and, if this party is not in a position to perform the contract to the second ranked party and so on. Alternatively the award of contracts may rotate between framework members in a pre-determined order. Care needs to be taken to ensure that whatever method is used is set out in the Framework Agreement and that it is transparent and objective.

**“Mini competitions”** are where awards are made based on a further competition, inviting all framework members on the framework to participate. This process allows the terms referred to in the specification to be more precisely formulated. This is still subject to the principle that the parties may under no circumstances make substantial amendments to the terms laid down in the Framework Agreement. The call-off contract Award Criteria and the weightings (or weighting ranges) must be clearly stated in the documents sent to framework members in relation to a mini-competition. The mini-competition phase can be fully managed on the e-Tenders system. All of the framework members on the framework capable of performing the contract must be invited to participate in a mini-competition on this basis. Contracting authorities must fix a time limit for submission of tenders which is sufficiently long enough to allow tenders for a call-off contract to be submitted. Tenders must be submitted in writing and shall not be opened until the timeframe for reply stipulated in the supplemental request for tenders has expired. The contracting authority shall award the call-off contract to the best tender on the basis of the Award Criteria specified in the procurement documents for the Framework Agreement.

## **Appendix 4a: Specific Issues to Consider During a Procurement Process**

While the OGP Guidelines set out in detail all the issues to be considered during a formal tender process, the attention of staff is brought in particular to the issues set out below.

### **Preliminary Market Consultations**

The 2016 Regulations explicitly allow the NSSO to conduct market consultations with suppliers and expert bodies before the start of a procurement process which may facilitate improved specifications, better outcomes and shorter procurement times. It is essential, however, that this practice does not create advantages for certain market players or result in specifications and tender documents being drafted in their favour.

If the market consultation is followed by a tender competition, it is important that there is no basis for any assertion of bias, unfairness, discrimination or lack of transparency. Therefore, the process of obtaining market intelligence must be kept separate from the tendering and award phase of the competition and this process, together with information received during market consultation should be clearly recorded in writing.

### **Small to Medium Enterprise (SME) Participation**

It is open to the NSSO to sub-divide contracts into lots to facilitate access by SMEs and depending upon requirements, Framework Agreements can be divided into lots on the basis of geography, specialism and/or value. Opting not to divide a contract into lots must be explained in the procurement documents or the report on the procurement process

### **Setting Procurement Criteria**

The Contract Owner, in conjunction with the OGP, must set out all the criteria that will be applied in the procurement award process, together with the relative weightings that it gives to each of the criteria. These criteria will form the basis against which tenders will be comparatively evaluated and are the key to an objective, transparent award procedure. Where it is not possible to provide weightings, the NSSO must indicate the Award Criteria in descending order of importance.

The Contract Owner should carefully check all documents for completeness, accuracy and consistency prior to issuing.

### **Communications and Confidentiality**

All communications with the tenderer during a tender process must be through the Contract Owner or OGP, or the person designated by the Contract Owner as the official point of contact. In the event that a member of the NSSO is contacted by a tenderer, they must redirect the tenderer to the official point of contact. All communications must be in writing only – by means of letter or email – and recorded on the file.

The NSSO's procurement policy is based on equality of treatment for all suppliers. All tenderers must be given the same information and must be given equal amount of time to prepare and submit their tenders. If significant additional information or material is supplied to a tenderer, on request or

otherwise, it must be supplied to all tenderers in an anonymised manner in the same manner and at the same time.

Subject to the NSSO's obligations under law and, in particular, under Freedom of Information legislation, the full confidentiality of tenders should be maintained pending evaluation and the award of a contract.

## **Opening Tenders**

The Contract Owner, in conjunction with the OGP, must ensure that proper procedures are in place for opening tenders to prevent abuse or impropriety. Where tenders are not received electronically a formal opening of tenders received must take place. At least two officials should open the tenders. When tenders are opened they should be date stamped and initialled. In particular, the pages containing pricing details should be stamped and initialled. Tenders received after the tender deadline should be rejected and returned to their owners, with their arrival time recorded. Tenderers cannot submit modifications to their tenders after the closing date for receipt of tenders. The stamped and initialled prices are the prices that must be used in determining the price of the tender. A report on the tenders received, those present at the opening of the tenders, and details of any tenders rejected and the reasons for the rejection should be produced, signed off by the Contract Owner and placed on file.

## **Conflicts of Interest**

Contracting authorities are required to take "appropriate measures" to prevent, identify and remedy conflicts of interest in the conduct of a procurement procedure to avoid any distortion of competition and to ensure equal treatment of tenderers. A conflict of interest includes any situation where a relevant staff member has directly or indirectly a financial, economic or other personal interest which might be perceived to compromise his or her impartiality and independence in the context of the procurement procedure.

Any form of personal interest which may impinge, or might reasonably be deemed by others to impinge, on a public official's impartiality in any matter relevant to his or her duties should be disclosed in writing to line management. Personal interest includes an interest of a relative or connected person. Line management must then decide if the exercise should be dealt with by another member of staff or seek further advice. Contracting authorities should consider carrying out conflict checks throughout the procurement process e.g. at the Selection Stage, when the identities of the candidates become known. In addition, all members of the evaluating team are required to sign "No Conflict Declarations" at the tender Evaluation Stage.

## **Tender Evaluation**

A Tender Evaluation Team should be assembled by the Contract Owner in conjunction with the OGP. Together the team will have the requisite knowledge and experience to evaluate tenders. The team may include independent representation. External experts can be used in complex evaluations to provide advice or recommendations on the technical aspects of the tenders to the evaluation team. Each member of the Evaluation Team must evaluate all tenders in a fair and unbiased fashion and in strict compliance with the evaluation methodology and the qualification and award criteria set out in the tender documents. External experts must sign confidentiality and non-disclosure agreements and

comply with any other security or confidentiality requirements of the NSSO and should return to the NSSO all documentation, materials and notes received or made during the evaluation.

## **Exclusions from Tendering, Qualifications of Suppliers, Subcontractors**

At the selection stage, the NSSO is required to exclude from further consideration any tenderers who have been convicted of specified offences. Where a tenderer is not excluded<sup>35</sup>, they are assessed based on information concerning their suitability to pursue a professional activity, economic and financial standing and/or as technical capacity and ability. Details in these regards, along with information on dealing with consortia and subcontractors, set out in the OGP Guidelines.

## **Award Criteria**

Where a tenderer meets the Selection Criteria, and otherwise meets the requirements set out in the RFT (i.e. a compliant tender) then their tender is entitled to be given due consideration under the Award Criteria. Objectivity and transparency is best achieved by the use of a scoring system or marking sheet based on the weighted criteria, indicating a comparative assessment of tenders under each criterion. In relation to quality<sup>36</sup>, the contracting authority is required to adopt criteria linked to the subject matter of the contract.

In the event that the tender then proves to be the most economically advantageous tender<sup>37</sup> under the Award Criteria, the contracting authority may at any point up to the contract award ask the successful tenderer to reconfirm any of the qualification information.

The NSSO may at its own discretion decide not to award any contract and to cancel the entire contract award procedure at any time during the procurement process. In doing so it must so notify tenderers of its decision and provide reasons.

## **Clarifications and Presentations**

The NSSO can in certain circumstances request the tenderer to submit, supplement, clarify or complete information where information submitted by a tenderer appears to be incomplete or erroneous or where specific documents are missing. Legal advice should be obtained before a contracting authority seeks any such clarifications from tenderers.

In Open or Restricted Procedures, tenderers may be asked to make a presentation on their proposals. These presentations should only be used as an aid to understanding and for purposes of clarification and cannot be scored unless this is stated in the RFT. Such presentations are not an opportunity for "post tender negotiation" on price or specifications. Negotiations of any kind cannot take place where an Open or Restricted procedure are used.

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<sup>35</sup> The "European Single Procurement Document" (ESPD) is a self-declaration form introduced under the 2016 Regulations which allows a tenderer to declare that it is not excluded from a competition on the basis of Exclusion Grounds and that it meets the Selection Criteria that have been set.

<sup>36</sup> These might include: delivery date or period of completion; delivery process; running costs; cost effectiveness; aesthetic and functional characteristics; accessibility; design for all users; and technical merit.

<sup>37</sup> To identify the most economically advantageous tender, the contract award decision should be based on price, or cost, using a cost-effectiveness approach such as life-cycle costing, or the best price-quality ratio to be assessed on the basis of criteria including qualitative, environmental or social aspects, linked to the subject matter of the contract; and quality only where the cost element is fixed price.

## **Abnormally low tenders**

The 2016 Regulations oblige the NSSO to investigate tenders it considers abnormally low and to seek explanations from suppliers about the price or cost. The NSSO may reject the tender where the evidence supplied does not satisfactorily account for the low price. Rejection is mandatory in cases where the NSSO has established that the abnormally low price or costs proposed results from non-compliance with all applicable obligations in the fields of environmental, social and labour applying under national and EU law and relevant international conventions at the place where the works are carried out or the services provided.

## **Tax Compliance**

Before a contract is placed, the supplier or service provider must hold a current Tax Clearance Certificate. This may be verified using Revenue's [online service](#). The prior permission of the applicant must be sought and the customer Tax Clearance Access Number and Tax Reference Number numbers must be supplied to the NSSO.

## **Award Notices**

Where formal tenders have been received in below threshold competitions, the NSSO must inform all tenderers of the outcome as soon as possible using the templates set out at Appendix III of the OGP Guidance document. Where an award decision has been made in respect of above threshold competitions, the NSSO must inform all tenderers of the outcome using a "standstill letter" available at Appendix VI of the OGP Guidelines.

Under DPER/OGP [Circular 10/14](#), buyers are required to publish Contract Award Notices for all contracts over €25,000 on e-Tenders on completion of the award.

## **Contract Modification and Termination**

A substantial modification of the provisions of a public contract or Framework Agreement during its term will be considered a new award for the purposes of the 2016 Regulations and will require a new procurement procedure. A list of changes specifically permitted during the life of a contract without a new procurement procedure are set out in the OGP Guidelines, along with details of the provisions that must be included in all contracts to allow it to terminate the contract in certain circumstances.

## Appendix 5: Maintaining Files on the Procurement Process

A new file should be opened on the e-docs system, in line with the NSSO's Business Filing Rules, in respect of each procurement process embarked upon.

Each file should be clearly titled and marked with the topic "procurement" and all emails correspondence, correspondence etc. in relation to the process must be stored on that file.

If a formal contract is entered into on foot of a procurement process, a separate folder must be created on the procurement file to hold an electronic copy of the final, signed, contract. This folder should be marked with the topic "contract". The original signed copy of the contract must also be held on an official, physical, file.

The details below should be used in compiling the necessary documentation.

- Regulation 84 report (if applicable).
- Documentation confirming that the necessary procurement budget is in place and that approval to proceed has been obtained.
- A request to engage external support or buy goods with reasons justifying decision.
- A business case or cost benefit analysis.
- Confirmation from the OGP that no suitable existing procurement arrangements are in place or planned which may meet the needs identified.
- All documentation that issues to the market including PIN, contract notice, RFT and any advertisements.
- All clarifications sent to tenderers/candidates.
- The report of the opening of the tenders.
- A qualification report and list of candidates meeting the Selection Criteria.
- The evaluation report.
- The acceptance by senior management of the evaluation team's report.
- The winning tender (or quotation).
- Unsuccessful tenders should be archived together with a copy of the RFT, the contract notice and the evaluation report.
- The Contract Award notice.
- The award letter and standstill/regret letters to unsuccessful tenderers/ any debriefing information.
- Confirmation that Purchase Order has been raised.
- The signed contract and copy of advice to Procurement Officer that it has been agreed.
- Where a suitable Framework Agreements is available, all correspondence, including orders, relating to individual contracts/drawdowns - one file should be opened for the Framework Agreement and individual project files set up for each call-off contract established under the Framework.
- The project management plan (including risk assessment).
- The minutes of all project management meetings.
- All orders to the contract holder for work packages/services.
- All requests for payment by the contract holder.
- All requests for expenses, supporting documentation and vouched expense claims from the contract holder.
- All acceptance notes for deliverables and services.

- All correspondence with the contract holder.
- The post–implementation review or reviews/reports by third parties.

## Appendix 5a: Regulation 84 Information

Regulation 84 of the 2016 Regulations requires all contracting authorities to prepare a written report for every above threshold contract, Framework Agreement (other than mini-competitions), and on the establishment of every Dynamic Purchasing System. It should be noted that e-Tenders provides a detailed audit trail of the procurement process from contract notice through to award notice and contract management.

This report should be lodged in the project file and must contain the following information:

- the name of the contracting authority
- the subject matter and value of the contract, Framework Agreement or Dynamic Purchasing System
- the results of the Selection stage i.e. the names of the successful candidates and reasons provided for selection, the names of unsuccessful candidates and reasons for non-selection
- the reasons for rejecting abnormally low tenders
- the name of the successful tenderer and the reasons why the tender was selected
- the name(s) of sub-contractors and the share of the contract to be sub-contracted
- justification, where appropriate, for the use of the Competitive dialogue/Competitive Procedure with Negotiation
- for Negotiated Procedures without Prior Publication the circumstances which justify the use of those procedures
- the reasons for not awarding a contract or a Framework, or to establish a Dynamic Purchasing System
- an explanation for not using an electronic submission
- measures taken to address potential conflicts of interest of the evaluators
- an indication of the main reasons why the contracting authority considers there to be a justified case for requiring turnover that is greater than the standard permitted maximum of twice the estimated contract value
- the main reasons for decision of the contracting authority not to subdivide the requirement into lots

To the extent that the Contract Award Notice contains the information required under this Regulation, a contracting authority may refer to that notice.

Contracting authorities are required to send a copy of the above written report to the Minister for Public Expenditure and Reform if requested to do so. The report may also be communicated to the European Commission at its request.

Contracting authorities are also required to send the Minister for Public Expenditure and Reform a statistical report containing such other information as the Minister may from time to time request in respect of procurement covered by the 2016 Regulations. This report shall be forwarded to the European Commission by the Minister every three years and shall contain an estimate of the aggregate value of procurement during the period to which the report relates.

## Appendix 6: Evaluation Team Member Declaration Regarding Conflict of Interest and Confidentiality Undertaking

<b>Name:</b>	<b>Job Title:</b>
<b>Tel:</b>	<b>Email:</b>
<b>Organisation &amp; Dept:</b>	

<b>Procurement Project/Exercise:</b>	<b>Request for Tenders to .....</b>
	Tender Reference: ....

### Conflict of Interest

**Conflict of Interest** (including any ‘Registrable Interest’ as defined in the Ethics in Public Office Act 1995) refers to situations in which personal interests may compromise, or have the appearance of, or potential for, compromising professional judgement and integrity and, in doing so, the best interests of the Department

Examples of conflicts of interest include: *(This is not an exhaustive list)*

- having a financial interest (e.g. holding shares or options) in a potential tenderer or any entity involved in any tendering consortium;
- having a financial or any other personal interest in the outcome of the evaluation of any tender evaluation process;
- being employed by (as staff member or volunteer) or providing services to any potential tenderer;
- being a member of a potential tenderer’s management/executive board;
- receiving any kind of monetary payment or non-monetary gift or incentive from any tenderer or its representatives;
- canvassing, or negotiating with, any person with a view to entering into any of the arrangements outlined above;
- having a close member of your family (which term includes unmarried partners) or personal friends who falls into any of the categories outlined above; and
- having any other close relationship (current or historical) with any potential tenderer.

It is the individual’s responsibility to ensure that any and all potential conflicts are disclosed to the Chair of the Tender Evaluation Team in writing prior to them becoming involved in any procurement process. Individuals may be excluded from the procurement process where the identified conflict is, in the Chair’s opinion, material and cannot be mitigated. The decision as to whether the identified conflict is material, and whether any mitigating arrangements are required, is to be made by the respective Senior Responsible Officer.

### Confidentiality Undertakings

“**Procurement project/exercise**” encompasses any formal and informal meetings, associated discussions, meeting preparation and follow up or any other activity related to the procurement project and/or exercise.

**“Information”** means all information, facts, data and other matters of which I acquire knowledge, either directly or indirectly, as a result of my activities as an evaluator of any supplier Pre-Qualification Questionnaire or Tender submissions or tender interviews/presentations etc.

**“Documents”** means all draft, preparatory information, documents and any other material in either paper or electronic form, together with any information contained therein, to which I have access, either directly or indirectly, as a result of my participation in any procurement exercise. Furthermore, any records or notes made by me relating to information or documents shall be treated as Confidential Documents.

**“Evaluation Team”** is the team formulated by the Contract Owner to carry out the evaluation of proposals received in response to a tender process instigated by the Contract Owner whereby the team will recommend tenderers for admittance to a Framework Agreement and/or award of contract. The team may consist of staff directly employed by the NSSO, staff nominated by other PSBs and external contractors or subject matter experts.

**“Chair of the Evaluation Team”** is the staff member nominated by the Contract Owner to lead the evaluation and direct team members.

I understand that I may be invited to participate either directly or indirectly in the procurement exercise and agree:

1. to treat all information and documents under conditions of strict confidentiality;
2. not to disclose, make copies of, or discuss any received information with any person who is not a member of the Sourcing Team (without the prior written approval of the Chair of the Evaluation Team);
3. not to use (or authorise any other person to use) information and documents other than for the purpose of my work in connection with the procurement process;
4. to return hardcopy documents to the Chair of the Evaluation Team or destroy the electronic form as soon as the evaluation process is complete.

Unless otherwise agreed with the Chair of the Evaluation Team, and subject to relevant legislation, this undertaking applies until the end of the contract, including any contract extensions.

This undertaking shall not apply to any document or information that becomes public knowledge otherwise than as a result of a breach of any of the above undertakings.

#### **Declaration**

*Please complete and sign this declaration. If you become aware of any change to the content of this Declaration, please notify the Contract Owner of the change as soon as such information becomes available to you. Any conflict of interest or potential conflict of interest must be fully disclosed to Contract Owner as soon as the conflict or potential conflict becomes apparent.*

**Are you aware of any conflict of interest which may be perceived to impair the impartial and objective performance of your duties in this procurement process?**

Yes

No

If Yes, please provide details:

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**Declaration:**

**I hereby declare that the above is an accurate and complete declaration of all conflicts of interest arising from my participation in the above procurement process of which I am aware. I undertake to inform the Contract Owner of any changes to this declaration or of any other conflicts of interest which may arise during the lifetime of the procurement process.**

**I accept that the Contract Owner may take appropriate action in relation to conflicts of interest, including my recusal from involvement in the affected procurement procedure or re-assignment of my duties and responsibilities.**

Name (Block Capitals)	
Signature	
Date	
Position	

## Appendix 7: Contracts Register Details

Where a business unit enters into a contract, it MUST notify the Procurement Officer of the details below. The following contracts and details must be notified: 1) any consultancy contract or a contract with an external service provider,<sup>38</sup> regardless of value; 2) any signed/executed public contract, regardless of value; and 3) any informal (offer and acceptance) contract valued over €5,000. These details must be recorded by the Procurement Coordinator.

Name of contractor and legal address	Brief description of the contract, including specifying if is for: <ul style="list-style-type: none"> <li>• Consultancy</li> <li>• External Service Provider</li> <li>• Other (specify)</li> </ul>	Original Date of contract	Value of Contract (ex VAT)	Duration of contract (in months)	Details of contract extension options, if applicable	Is the Contract: <ul style="list-style-type: none"> <li>• awarded without a competitive process and if so, why?</li> <li>• an award from an OGP Framework; or</li> <li>• an award for a single contract.</li> </ul>	Type of contract <ul style="list-style-type: none"> <li>• Goods</li> <li>• Services</li> </ul>	Contract Manager  Contract Signatory <sup>39</sup>  Business Unit Number

### Notes:

1. **Consultancy:** Consultancy” is defined as being “where a person, organisation or group thereof is engaged to provide intellectual or knowledge-based services (e.g. expert analysis and advice) through delivering reports, studies, assessments, recommendations, proposals, etc. that contribute to decision – or policy-making in a contracting authority. The engagement should be for a limited time period to carry out a specific finite task or set of tasks that involve expert skills or capabilities that would not normally be expected to reside within the contracting authority.”
2. **External Service Providers** are defined as “organizations that provide the services or the human/physical resources to meet the ICT and other service requirements of a contracting authority.” These requirements could include software development; network installation and management; infrastructure management; data centre hosting; managed services; shared services, etc. External service provision involves the transfer of actions for delivering business functions or services to an external service provider but does not include the use of contractors (i.e. external support under the day-to-day direction of the contracting authority) or the cost of purchasing packaged software. Additionally, external support may be required where: - a need for an external assessment is deemed essential; - a study or review is required by an external body (e.g. the European Commission); - a study/project must be completed within a short time scale and, although the knowledge or expertise may be available within the contracting authority,

<sup>38</sup> Grants and grants-in-aid to bodies are not included.

<sup>39</sup> For signed/executed contracts only.

performing the task in-house would involve a prohibitive opportunity cost (i.e. total cost of diverted staff, including relevant overheads etc.) or would be impractical (e.g. staff engaged on other essential duties would have to be diverted), or it might not be possible to redeploy staff cost-effectively redeployed in the timeframe required.

3. **Informal (offer and acceptance) contracts** arise where following an RFQ (either verbal or written) an NSSO official confirms in writing to the supplier of goods or services (usually by email) that the NSSO accepts the terms that the supplier has offered. Such contracts don't normally include detailed contractual terms between the parties. It is not intended that the Register will record contracts for the supply of products/goods where that supply does not involve an ongoing maintenance element or where the supply does not involve ongoing liaison with the supplier.
4. **Contractors:** Details of "contractors" are NOT required. A contractor is defined in the *Guidelines for the Engagement of Consultants and Other External Support by the Civil Service* as a person, organization or group thereof engaged, for a limited time period, to provide specified goods, works or services (including ICT (information and communications technology) services) that implement established policy objectives; to assist a contracting authority in carrying out its operations and functions; or to perform operations or functions that involve skills or capabilities that would normally be expected to reside within the contracting authority but which are not currently available. Contractors come under the direction of a contracting authority for operational purposes and take day-to-day instructions from local management even though they are not employees of the contracting authority. Particular care should be taken at all times to ensure that such contractors are not at any stage explicitly or implicitly treated as employees of the contracting authority.
5. **Value of contract:** This should indicate the value of the contract to the NSSO i.e. if the NSSO draws from a Framework Agreement or puts one in place e.g. via the OGP, only the value of the total drawdown by the NSSO over the lifetime of the contract should be included. Drawdowns by other Departments from a Framework Agreement are a matter for those Departments.
6. **Goods:** Public supply contracts are contracts having as their object the purchase, lease, rental, or hire purchase, with or without options to buy products or goods. These also include incidental siting and installation operations.
7. **Services:** Contracts that have as their object the provision of services. A contract for both products and services is a service contract if the value of services exceeds that of the products, and vice versa.
8. **Works:** Works are not included and are not covered by the this Office Notice: Works means the outcome of building or civil engineering works taken as a whole that is sufficient of itself to fulfil an economic or technical function.
9. **FOI:** Business Units should advise if the details supplied are exempt from release under FOI for any reason. If they are not, and the value of the contract is over €25k, these details will be published under the FOI Publication Scheme Rules.