



Wicklow County Council Procurement Policy & Procedures

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Introduction

Public procurement is the acquisition, whether under formal contract or not, of works, supplies and services by public bodies. It ranges from the purchase of routine supplies or services to formal tendering and contracts for large infrastructural projects by a wide and diverse range of contracting authorities.

One of the priorities in the Public Sector Reform Plan (2011) is to achieve reduced costs and better value for money through procurement reforms. A target procurement saving of €500m was set for the entire public sector for 2014-2016. The reform, principally a transition to greater use of centralised contracts and frameworks by the public sector, is coordinated and driven by the Office of Government Procurement (OGP) with the support of four key sectors (Health, Defence, Education, Local Government).

Whilst the establishment of the OGP represents a key milestone towards centralised procurement for goods and services for the entire public sector, the procurement of capital works will remain with the contracting authority. **Wicklow County Council, as the contracting authority, remains accountable for all procurement it carries out.**

As such it is imperative that Wicklow County Council has suitable mechanisms and systems in place to ensure compliance, to achieve value for money and to manage risks related to procurement, while supporting service delivery.

Objective

The objective of the Procurement Policy & Procedures document is to serve as a guide to all employees of Wicklow County Council involved in the procurement function. It is broken into three sections:

- 1) **Wicklow County Council Procurement Policy**
- 2) **Public Procurement Rules**
- 3) **Public Procurement Process**

It defines the policies, procedures and practices that should be followed by all those involved in the process of purchasing supplies (goods), services or works within Wicklow County Council. While each purchase may be different, these procedures aim to provide an overview and reminder to those undertaking the purchase or procurement process on behalf of Wicklow County Council.

In addition to the Council's Procurement Policy & Procedures, all employees are expected to familiarise themselves with relevant legislation, circulars and guidelines in respect of Public Procurement, which are available from:

www.etenders.gov.ie

www.procurement.ie

www.constructionprocurement.gov.ie

Section 1 – Wicklow County Council Procurement Policy

Corporate Procurement Plan

The Procurement Function of Wicklow County Council aims to be a value added function to the organisation that is strategically aligned to the business needs of Wicklow County Council. Wicklow County Council's Corporate Procurement Plan 2016-2018 was approved on 25th July 2016. The plan includes a number of strategic, organisational and operational objectives, which are necessary in achieving a more focused value for money approach to procurement. The plan will be reviewed annually and updated on a continuous basis.

The four main objectives of the Corporate Procurement Plan are:

1. To ensure the Council **complies** with all European and national legislation, Departmental circulars and local policies and procedures
2. To support **service delivery** by the Council and to fulfil the **strategic objectives** in the Council's Corporate Plan
3. To achieve great **value for money** for the Council by
 - a. Ensuring that purchasing is carried out in a coordinated and strategic manner
 - b. Reviewing, and where possible, streamlining existing procurement processes
 - c. Identifying opportunities for savings, for example by utilising national and regional aggregated contracts or other means
4. To facilitate **economic, social and environment objectives** through procurement, by
 - a. Identifying opportunities for social or green procurement
 - b. Engaging with businesses and suppliers

Wicklow County Council Procurement Policy

Wicklow County Council's Procurement Policy & Procedures Manual was approved by Management Team on 22/03/2017 and published on 27/04/2017; and sets out the policy for procurement of supplies, services and works by Wicklow County Council. The policy also applies to frameworks agreements and service concession arrangements. This document gives an overview of the governing principles of public procurement and the regulatory framework the Council must operate within. The document applies to all employees, as well as contractors or consultants working for and/or on behalf of Wicklow County Council.

Provided the goods or services to be procured form part of the approved work programme, budget holders have authority to utilise their budget allocation subject to adherence to the procedures in this manual, EU Directives and National Public Procurement Guidelines and Legislation.

Each Director of Services or Head of Function shall ensure that all employees within their Directorate whom are involved with or engaged in the procurement process, are familiar with procurement policy & procedure rules and regulations including (but not limited to) the contents of this document, EU Directives, National Public Procurement Legislation and guidelines.

Purchasing Authority

Chief Executive Orders 199/17 and 201/17 dated 27/04/2017 (appendix 1) set out the approval levels and associated staff grade and authorisation threshold to be followed under the Procurement Policy of Wicklow County Council. The requirements and procedures to be followed for goods/supplies, services and works related contracts are set out in appendix 2.

All employees are required to obtain appropriate approval in accordance with the provisions of CE Orders 199/17 and 201/17, and ensure that the requirements of appendix 2 have been followed prior to making any formal or informal commitments to suppliers and external markets.

Responsibility for compliance with EU Directives, National legislation/guidelines/circulars and internal policies/procedures rests with all employees who are involved in the procurement process.

Employees should be satisfied when approving the acceptance of quotations or tenders for the purchase of goods, services or works that orders have not been sub-divided or fragmented so as to avoid application of National or EU procedures.

Employees are required to ensure that there is appropriate segregation of duties in respect of the requisitioning and approval of purchase orders on the Council's financial system to suppliers.

Business Engagement

Wicklow County Council is committed to helping prospective suppliers to understand the Council's procurement and purchasing processes. DPER Circular 10/14: Initiatives to assist SMEs in Public Procurement must be consulted prior to undertaking procurement activities.

Care should also be taken to ensure the tender documentation is **complete, relevant and proportionate to the need**. Small and medium sized enterprises frequently report that they find public sector tendering documentation complex and difficult to follow. In many cases, this arises from lengthy and detailed standard type provisions for larger contracts being "cut and pasted" into documentation for smaller requirements.

Collaborative Procurement

Wicklow County Council will, where possible, coordinate the procurement requirements across the organisation in order to achieve value for money. Wicklow County Council will comply with National or Sector Led Frameworks where possible and where value for money and other non financial cost savings can be demonstrated. National Frameworks being entered into by Wicklow County Council can only be activated by the Head of Finance via the Procurement Officer. No activation forms should be sent directly by sections or departments.

Where, following a tender process, a contract or framework has been awarded on an organisation wide basis in any category, all Departments shall place orders for such goods or services with that supplier only. Where exceptional circumstances preclude the use of the existing contract or

framework, orders placed with a supplier other than the designated supplier must have the written approval of the appropriate Director.

eTenders

The eTenders procurement website (www.etenders.gov.ie) has been developed as part of the Irish Government’s strategy for the implementation of eProcurement in the Irish Public Sector. The site is designed to be a central repository for all public sector contracting authorities to advertise procurement opportunities and award notices.

Where Wicklow County Council are procuring services, supplies or works outside the national and sector frameworks, all tender notices shall be published on the eTenders website, thereby meeting national advertising requirements. The website has the functionality to allow the publication of EU threshold notices which will then be sent to the OJEU automatically. There is no further obligation to supplement eTenders advertising with advertising in other media forms.

The procurement limits that apply are:

System	Limit	Expenditure/Category
 EU Journal OJEU (<i>January 2016</i>) www.ted.europa.eu	Works > €5,548,000 Services > €221,000 Supplies > €221,000	All categories
 National tenders (below threshold) www.etenders.gov.ie	Works > €50,000 Services > €25,000 Supplies > €25,000	All categories

Health & Safety

Section 8 of the Safety, Health and Welfare at Work Act 2005 places duties on employers regarding the provision of amongst other things, safe workplaces, safe plant and machinery, adequate instruction and training, and suitable personal protective equipment. Further requirements can be found in the regulations made under the Act and these should be consulted where relevant. All staff involved in the public procurement exercised (quotations, annual tenders and tenders for specific items/projects) shall take cognisance of the relevant health and safety requirements throughout the entire procurement process.

Purchase Orders

All requisitions shall be raised in the Council’s financial management system, MS4, prior to the order for goods and services being placed with the supplier. Details of the procurement reference or quotes received must also be included – see appendix 4. Details of procurement process must also be completed on RCT forms where appropriate.

Verbal requests for supply **IN THE CASE OF EMERGENCIES**, shall be confirmed by a official purchase order issued no later than the next working day and clearly marked, 'confirmation of verbal instructions given (date)'.

Chief Executive Approval

Chief Executive Approval is REQUIRED for the following:

- **Employment of outside consultants – the employment of outside consultants (regardless of value) requires a formal Chief Executive's Order.**
- Entering into any formal contract above €25,000 (goods/services/supplies) or €50,000 (works) with an outside body/supplier/agency, requires a Chief Executive's Order (delegated).

Computer Hardware and Software, Mobile Phones, Car Kits and Digital Equipment

The specification **of all** of the aforementioned hardware and software is subject to the endorsement of the Head of IT. Each section however, on receiving sanction from IT will raise its own Purchase Order.

Procurement and Accessibility

Section 27 of the [Disability Act 2005](#) requires the head of a public body to ensure that services provided and goods supplied to the public body are accessible to people with disabilities, unless that would not be practicable, would be too expensive, or would cause an unreasonable delay. This will relate to a wide range of goods and services, including equipment, materials, information technology etc. It is the policy of Wicklow County Council, to ensure that relevant accessibility requirements for people with disabilities are included in all stages of the tender process. Accessibility requirements should be clearly stated in requests for tenders/contracts/quotations where applicable. Staff preparing tenders may need to consult with external advisors and/or people with disabilities in identifying these requirements. Where there are no accessibility requirements relevant to the goods or services being procured, this should be recorded in a file note. Accessibility requirements should be given appropriate consideration and weighting during scoring and evaluation stages. Where suppliers are asked to make presentations, accessibility should be an agenda item for such presentations. Wicklow County Council shall ensure that organisations adhere to relevant accessibility standards and guidelines as appropriate to the individual tender.

Procurement Ethics

All staff members involved in procurement activity act as agents of the Council and are bound to act in accordance with the Local Government Act 2001 and the Code of Conduct for Employees. Members of the tender evaluation team should also sign a Declaration of Confidentiality and Conflict of Interest (appendix 3) prior to the tender evaluation process commencing. Employees must disclose to their Director of Services any beneficial interest that they or a connected person has in relation to procurement decisions conducted by the employee on behalf of the Council.

Personal purchases are not permitted through the Council's purchasing system under any circumstances.

Freedom of Information

Freedom of Information (FOI) legislation applies to Wicklow County Council. Information may be requested on records relating to a tendering procedure under the FOI Act. Certain records may be exempt from the provisions of the Act on grounds of confidentiality or commercial sensitivity. Tenderers should be requested to indicate, with supporting reasons, any information included with their tenders which they wish to be regarded as confidential. The FOI Officer for Wicklow County Council will normally consult with a tenderer before deciding on whether to disclose such information on foot of an FOI request. However, no category of tender related records is subject to either release or exemption as a class. Therefore each record must be examined on its own merits.

Section 2 – Public Procurement Rules

2.1 Regulatory Environment

Wicklow County Council’s procurement policies and procedures are governed by:

- EU Directives
- National Legislation
- Public Procurement Policy / Guidelines / Circulars, including (but not limited to)
 - DPER Circular 16/13: Revision of arrangements concerning the use of Central Contracts put in place by the National Procurement Service (now Office of Government Procurement)
 - DPER Circular 10/14: Initiatives to assist SMEs in Public Procurement
- Case law at European and National level

The requirements set out above are referred to collectively as “public procurement rules”. All EU Directives / National legislation and policies governing public sector procurement in Ireland can be accessed on the national procurement websites www.etenders.gov.ie and www.procurement.ie

EU and National regulatory bodies monitor and report on the procurement activities of public bodies.

2.2 Public Procurement Principles

The Treaty of Rome on the functioning of EU applies to all procurement activity regardless of value. The procurement of supplies, services or works in the public sector must comply with the Treaty’s fundamental procurement principles:

- **Transparency:** all procurement activities are open and transparent with necessary information provided to all. Procurement intentions and decisions should be advertised publically
- **Equal treatment and non-discrimination:** the same rules apply to all with equal rights of access. Decisions are to be based on objectivity and fairness
- **Proportionality:** all measures used must be both necessary and appropriate in relation to the objective (i.e. the award of the contract). No excessive or disproportionate conditions, criteria or rules are to be applied
- **Mutual recognition:** equal validity is to be given to qualifications/standards applicable in other Member States

2.3 Public Procurement Circulars - Ireland

Circular FIN 07/2012

Notice on Publication of Purchase Orders over €20,000

Under the Public Service Reform Plan, every purchase order made by Government Department or Local Authority or Agency must be published online. This refers to payments for goods, services or works procured. Payments in Wicklow County Council are published on the Council's website on a quarterly basis. Therefore it is essential that proper procurement procedures are adhered to in all instances.

Circular DPER 13/16

Revision of arrangements concerning the use of Central Contracts put in place by the National Procurement Service (now OGP).

Public bodies are reminded that such central procurement frameworks are targeted at securing best value for money and facilitating contracting authorities to deliver services within their budgetary constraints. Public bodies should engage and promote the use of central frameworks. Where public bodies do not utilise central procurement frameworks they should be in a position to provide a value for money justification. Value for money should take into account the full costs of running a public procurement competition. Public bodies must comply with their obligations under national law and guidelines.

DPER Circular 10/14

Initiatives to assist SMEs in public procurement.

This is a guidance circular that is designed to further enable SMEs in competing for public contracts. It is in line with EU policy on increased SME participation in public procurement. **At all times this guidance is to be implemented by buyers in accordance with the principles of EU law, and in a manner that is fully compliant with EU public procurement law and national guidelines.**

DPER Circular 02/2016

Arrangements for Digital and ICT related expenditure in the Civil and Public Service.

This circular supercedes Department of Finance Circulars 02/2009 & 02/2011; and simplifies the arrangements for approval and oversight of ICT expenditure through greater alignment with estimates process, relevant strategies and strategic objectives.

As well as other requirements of this circular, 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. Mini-competitions or supplementary requests for tender must be conducted fully within the rules governing the relevant framework or procurement vehicle.

2.4 Capital Works Management Framework (CWMF)

The Capital Works Management Framework (www.constructionprocurement.gov.ie) is to be used by contracting authorities involved in the expenditure of public funds on **construction projects and related consultancy services**.

The use of the framework should result in a more cost effective delivery of public works projects because of the more systematic and detailed approach to, among other things, planning (both initial and detailed), capital budgeting as well as design and construction cost control. The CWMF contains an integrated set of contractual provisions, guidance material, technical templates and procedures which cover all aspects of the delivery process of a public works project from inception to final project delivery and review. The structure of this strategic framework is closely aligned and compliments the Capital Appraisal Guidelines issued by the Department of Finance.

2.5 Central Government Procurement

One of the priorities in the Public Sector Reform Plan (2011) is to achieve reduced costs and better value for money through procurement reforms. A target procurement saving of €500m was set for the entire public sector for 2014-2016. The reform, principally a transition to greater use of centralised contracts and frameworks by the public sector, is coordinated and driven by the Office of Government Procurement (OGP) with the support of four key sectors (Health, Defence, Education, Local Government).

The OGP also have responsibility for developing and implementing national procurement policy and procedures.

The OGP established 16 category councils for the purchase of goods & services by the Public Sector. Through the OGP and the four key sectors, the Public Sector will speak with “one voice” to the market for each category of expenditure, eliminating duplication and using aggregated purchasing to leverage better prices. The category councils are:

Lead	Category	Lead	Category
<i>OGP</i>	<ul style="list-style-type: none"> • Professional Services • Facilities Management & Maintenance • Utilities • ICT and office equipment • Marketing, print and stationery • Travel and HR services • Fleet and plant • Managed Services 	<i>Health</i>	<ul style="list-style-type: none"> • Medical professional services • Medical and diagnostic equipment and supplies • Medical, surgical and pharmaceutical supplies
<i>Local Government</i>	<ul style="list-style-type: none"> • Minor building works and civils • Plant hire 	<i>Education</i>	<ul style="list-style-type: none"> • Veterinary and agriculture • Laboratory, diagnostics and equipment
<i>Defence</i>	<ul style="list-style-type: none"> • Defence and security 		

2.6 Local Government Procurement

The Local Government Strategic Procurement Centre (LGSPC) based in the LGMA was established to oversee the procurement across the local government sector; participate meaningfully on the structures of the OGP, and to ensure that the sector is represented in the category councils and sourcing teams that are established to oversee the procurement of goods and services.

The Local Government Operations Procurement Centre (LGOPC) based in Kerry County Council provides an operational procurement function to the local government sector. The work of the LGOPC is overseen by the LGSPC.

The LGOPC maintains the www.supplygov.ie (formerly LA Quotes) website which is used to facilitate the operation for specified frameworks under the 2 category councils it leads on behalf of the public sector (plant hire; minor buildings works & civils).

2.7 Thresholds and advertising

The procurement procedures and timescales that apply will vary depending on the type of procedure chosen and the estimated value of the contract.

The following guidelines should be adhered to in calculating the value of the proposed contract:

- Estimated value is based on the total amount payable (excl. VAT) and inclusive of any form of options and renewals
- Estimated value must be valid at either the time when the contract notice is sent or when the award procedure commences
- Subdivisions of requirements in order to circumvent EU or National requirements are not permissible
- Where there is a requirement for the same goods/services across the organisation during the same period, the **aggregated** value is to be calculated and all departments/districts shall draw down from this contract/framework.

EU thresholds (excl. of VAT) applicable from 01/01/2018

Thresholds are revised every two years. Full and up to date thresholds can be checked on the EU public procurement website www.simap.europa.eu

Works		
Contract Notice	€5,548,000	Threshold applies to Government Departments and Offices, Local and Regional Authorities and public bodies
Supplies and Services		
Contract Notice	€144,000	Threshold applies to Government Departments and Offices
Contract Notice	€221,000	Threshold applies to Local and Regional Authorities and public bodies outside the Utilities sector
Utilities		
Works Contracts / Prior Indicative Notice	€5,548,000	For entities in Utilities sector covered by Government Procurement Agreement (GPA)
Supplies and Services	€443,000	For entities in Utilities sector covered by GPA

Below EU threshold (excl. of VAT) – National Rules

	Advertising Requirement	Amount (excl. of VAT)	Rule	Requirement	Approvals <i>NOTE: Engagement of ALL consultants requires a Chief Executive Order regardless of value</i>
Goods and Services	Quotations	Below €5,000	National	Verbal quotation confirmed in writing or by email from a minimum of one reputable supplier.	Recommendation of budget holder under Agresso Approval limits (CE Orders 199/17 and 201/17)
	Quotations	€5,000 - €25,000	National	Written quotations from not less than three reputable suppliers. Lowest Price or MEAT	Recommendation of budget holder under Agresso Approval limits (CE Orders 199/17 and 201/17)
	eTenders	€25,000-€134,000	National	Circular 10/14 – Open procedure & MEAT	Chief Executive Order (Delegated)
	eTenders	€134,000 - €221,000	National	Choice of procedure – MEAT – strongly recommended to voluntarily advertise in OJEU	Chief Executive Order (Delegated)
	<i>eTenders (OJEU)</i>	<i>>€221,000</i>	<i>EU</i>	<i>Above threshold – OJEU – choice of procedure – MEAT</i>	Chief Executive Order (Delegated) <€1m. Chief Executive Order > €1million
Works (& related services)	Quotations	Below €5,000	Local	Verbal quotation confirmed in writing or by email from a minimum of one reputable supplier.	Recommendation of budget holder under Agresso Approval limits (CE Orders 199/17 and 201/17)
	Quotations	€5,000 - €50,000	National	Written quotations from not less than three reputable suppliers. Lowest Price or MEAT	Recommendation of budget holder under Agresso Approval limits (CE Order 199/17 and 201/17)
	eTenders	€50,000-€250,000	National	Circular 10/14 – Open procedure & MEAT	Chief Executive Order (Delegated)
	eTenders	€250,000 - €5,548,000	National	Choice of procedure – MEAT – strongly recommended to voluntarily advertise in OJEU	Chief Executive Order (Delegated) <€1m. Chief Executive Order > €1million
	<i>eTenders (OJEU)</i>	<i>>€5,548,000</i>	<i>EU</i>	<i>Above threshold – OJEU – choice of procedure – MEAT</i>	Chief Executive Order (Delegated) <€1m. Chief Executive Order > €1million

2.8 Choice of Procedures

The choice of public procurement procedures and prescribed timescales which can be used depends on the nature and the value of the proposed procurement. There are five main types of procedures:

- The open procedure – most common
- The restricted procedure – 2 stage
- The competitive procedure with negotiation (*new under the 2014 Directives - similar to the existing negotiated procedure with prior call for competition*)(*very rare*)
- The competitive dialogue procedure (*very rare*)
- The innovation partnerships procedure (*new under the 2014 Directives*) (*very rare*)

If you intend on using any procedure other than open or restricted, please discuss same with the Procurement Unit in order to determine whether or not the proposed contract meets the other requirements.

In accordance with Circular 10/14 in support of small and medium enterprises, the **open procedure must be used** for contract values:

- Supplies, goods, services – between €25,000-€134,000
- Works related services – between €50,000-€221,000
- Works – between €50,000-€250,000

2.9 Timescales

National Tenders	Receipt of Expressions of Interest	Receipt of Tenders
Open Procedure	N/A	21 days (minimum)
Restricted Procedure	21 days	21 days (minimum)

Above Threshold Tenders (OJEU)	Receipt of Expressions of Interest	Receipt of Tenders (2014 Directives)
Open	N/A	35 days (hard copy receipt of tenders) 30 days (if electronic tenders permitted) 15 days (if preceded by suitable PIN)
Restricted	30 days (minimum)	30 days (hard copy receipt of tenders) 25 days (if electronic tenders permitted) 10 days (if preceded by suitable PIN)
Competitive Procedure (with negotiation & innovative partnerships)	30 days (minimum) 15 days minimum (if preceded by suitable PIN)	30 days (hard copy receipt of tenders) 25 days (if electronic tenders permitted) 10 days (if preceded by suitable PIN)
Competitive Dialogue	30 days (minimum) No reduction for PIN	No explicit time limit for initial/subsequent tenders

2.10 CPV Codes

CPV (Common Procurement Vocabulary) Codes are the primary coding system relating to the categorisation of contracts. The contracting authority must select the correct CPV codes (you may require to use several) appropriate to the subject matter of the contract advertised in order that registered suppliers are notified of the competition. CPV codes define the type of contract and must be entered on eTenders (use the system search box). CPV codes can be summarised as follows:

- Supplies contracts Series 01 to 44 & 48
- Works contracts Series 45
- Service contracts Series 50 to 99

2.11 Publication of Notices

- Notices (i.e. PIN, contract notices and contract award notices) must not be published at national level before publication in the OJEU
- However, where authorities have not been notified of the publication in the OJEU within 48 hours following receipt of confirmation of the receipt of the notice, publication may take place at national level
- Notices published at national level and OJEU level must contain the same information

- PINs must not be published on a buyer profile before dispatch to the OJEU

Prior Information Notices (PIN) (OJEU)

In some procedures it is possible to reduce the minimum time limits where a suitable PIN has been published. A PIN would be 'suitable' where all the following apply:

- The PIN was not itself intended to represent a call for competition. The PIN was published no more than 12 months and no less than 35 days before the date of dispatch to OJEU of the contract notice
- The PIN includes certain brief information about the type and value of the contract, to the extent that it was available to the authority at the time of its dispatch to OJEU

Contract Notice

Contracting authorities that wish to award a contract or establish a framework shall advertise their intention by means of a contract notice. There are a number of contract notices available to public sector buyers on eTenders dependent on the type of procedure and whether it is to be advertised at National or European level.

Contract Award Notices

EU procurement rules require that a contract award notice be published on eTenders for OJEU and National contracts/frameworks.

The Contract Award Notice must be published via eTenders no later than 48 hours after the award of the contract or the establishment of the framework agreement. For framework agreements, the qualifying members must be listed.

In accordance with Circular 10/14, buyers are required to publish all Contract Award Notices over €25,000 on the eTenders website on completion of the award (**including those awarded under mini-competition**). This is a separate step to publishing on the OJEU and will facilitate measurement of SME participation in public procurement.

Cancellation Notice

If you are not proceeding with the award of a contract for whatever reason, you must publish a Cancellation Notice providing details of the nature of the contract, the publication reference and date and state **"Please note this call for competition is now cancelled"**. It should be noted that Wicklow County Council do not have to award a contract, but the decision to cancel may be reviewable by the Courts if a challenge is taken.

2.12 Framework Agreements

A competitive tender process also applies to the establishment of Framework Agreements; between one or more contracting authorities and one or more suppliers. These are agreements which establish some or all of the terms on which contracts for supplies, services or works can be entered into during the period of the agreement without further advertising. The following criterion applies:

- Can be concluded with a single supplier or multiple suppliers (with a minimum of 3 if multiple)
- Can be used for all value contracts including above EU threshold contracts
- Can last for up to four years
- Suppliers access the framework agreement via eTenders competition, using Open or Restricted procedure
- No rules on timescales for receipt of tenders under mini-competition (but should be realistic)
- Once established, no additional suppliers can be considered

2.13 Dynamic Purchasing System (DPS)

Dynamic Purchasing Systems were provided for under the 2014 Directives. They are suitable for commonly used purchases. The process is completely electronic. It is similar to an electronic framework in that the contracting authority may use it to award contracts by mini-competition between suppliers on the DPS. However, it is unlike a framework in that the appointment to the DPS is on the basis of pre-qualification criteria and new suppliers can be added over its duration. Both the OGP and LGOPC are developing DPS for suitable procurements for the public sector.

2.14 Service Concessions

A service concession is a grant for rights for the exploitation of land or property to a private company, in return for service or for a particular use. Although Government has not yet transposed the 2014 Service Concession Directive to Irish Law, above threshold contracts are still subject to the requirements of the Directive.

Section 3 – Public Procurement Process

3.1 Introduction

Public Procurement comprises the award of contracts (formal or informal) for the purchase of supplies, services and works by public bodies. These purchases can range from acceptance of quotations for small value transactions through to acceptance of tenders for single major projects. Public Procurement Rules set out different requirements to be followed depending on the value of a proposed contract. Generally, procurement is conducted by seeking quotations or tenders.

A **quotation** procedure may be used where contract values are less than €25,000 (€50,000 for works) **and** centralised purchasing arrangements are not in place (Section 3.2). It should be noted that these thresholds apply to the organisation as a whole for the procurement of similar supplies, services or works.

The basic procedures to be followed when seeking quotations are set out in Appendix 2 of this document. Quotations may be sought and returned to Departments directly, by post or email. Where quotations are to be submitted by post, an address label should be provided, clearly marked ‘QUOTATIONS’ with a description of the procurement competition. This avoids quotations being confused for tender submissions, where more stringent receipting procedures apply.

Departments should ensure that Insurance, Taxation, Freedom of Information, Health & Safety and other basic provisions are considered when seeking quotations.

A **tender** procedure is used where contract values exceed €25,000 (€50,000 for works) and centralised purchasing arrangements are not in place. The procedures set out in Section 3.3 & appendix 2 onwards relate to the running of a full tender process. The running of a tender process under a Framework Agreement may vary slightly depending on what is set out in the instructions to Tenderers and the signed Framework Agreement between qualified suppliers and the contracting authority.

Wicklow County Council is required to consider collaborate procurement opportunities with the OPG or with other Local Authorities and Public Bodies during the procurement process. This may require tender activities and contract durations to be arranged in order to align the organisation with OGP plans or other public sector organisations schedules.

3.2 Centralised Purchasing Arrangements

The Office of Government Procurement (OGP) and other public bodies have centralised purchasing arrangements in place for the purchase of certain supplies and services for use by the wider public sector.

Wicklow County Council is eligible to use most of these framework agreements and/or contractual arrangements. The Project Manager must check with the Procurement Unit for an

updated list of these centralised arrangements in the first instance. It is Council policy to use collaborative arrangements where possible.

3.3 The Procurement Cycle

A procurement project will follow various stages of a procurement cycle as it proceeds as outlined below.



To assist employees a checklist is provided in Appendix 5 as guide through the procurement process.

3.4 Identify the Need / Analyse the Requirement

Each individual Department should have a comprehensive understanding of their purchasing requirements, including existing arrangements with current suppliers. Historical spend data from Agresso should be used when analysing requirements.

When a requirement for supplies, services or works has been identified, a Procurement Project Manager should be selected by Head of Department to lead the procurement project. At this stage an evaluation team should be established which will have responsibility for reviewing the request for tender documents prior to publication and the evaluation/scoring tenders are received.

It is essential that the Project Manager engages with the Procurement Unit at the earliest opportunity to ensure that the most suitable procedure is followed.

3.5 Check Budget Availability

The Project Manager should check that there is sufficient budgeted funding to meet the value of the proposed procurement and determine the account element, job code and product codes to be used. It is recommended that early contact is made with the Finance Department to set up new codes if required. It cannot be emphasised enough the importance of correct product code selection.

3.6 Investigate the Market

Market research should be undertaken to gain greater knowledge of the supply market, available options and the number of potential suppliers. Creative solutions and innovative approaches towards existing contracts should be considered. This can be as simple as using an internet search, however it is critical that the project managers make themselves aware of the external market environment and supply chain.

3.7 Decide the Sourcing Strategy

Sourcing strategy refers to a systematic process aimed at achieving savings and other benefits such as improved supplier performance, quality and risk minimisation. The focus is to gain maximum advantage in terms of cost, process, quality and technology by leveraging the organisation's buying power. Consideration should be given to the type and duration of the contract arrangement that would be most appropriate.

This process represents best practice for the establishment of an individual contract or framework agreement for a specific category of spend. The strategy to be used for the purchase of supplies, services and works to meet requirements should be determined only after detailed analysis has been conducted. It is at this stage where the maximum benefits can be achieved from procurement.

3.8 Specification

When developing or setting out the specification of requirements, the Project Manager should refer to the basic Procurement Principles outlined in Section 2.2 and incorporate these principles into the specification.

Specifications should be drafted as follows:

- requirement to be stated clearly, concisely and logically;
- state the function that the requirement must meet;
- allow for equal opportunity;
- specification to form the basis of the contract;
- eliminate use of brand names.

There can be a tendency to over specify the requirements and this can cause additional cost to the overall tender and not achieve VFM. The project “**needs**” should be attained rather than the “wants” or “nice to have” options. Specifications should be performance based where possible with the option of using variants, this can allow for innovate solutions to be proposed. The tender documentation and award criteria need to cater for this.

3.9 Preparing Tender Documents

The Procurement Unit will advise the Project Manager of the most appropriate tender documents (EOI/RFT etc.) to be used depending on the nature and value of the procurement project. For above threshold tenders, the suite of template documents for the purchase of supplies and services developed by the OGP are to be used, unless otherwise agreed with the Procurement Unit. For below threshold tenders, the LGMA templates are to be used, unless otherwise agreed with the Procurement Unit. These templates are available under G:\Shared\Procurement or directly from the Procurement Unit. Where a tender process is conducted under a Framework Agreement (also known as a mini-competition), the tender documents prescribed in the original Framework Agreement must be used.

The Capital Works Management Framework (CWMF) template documents must be used for all works/construction projects and works related consultancy above the national threshold of €50,000. Template documentation is available at www.constructionprocurement.gov.ie

All tender documents should be drafted to make it clear and simple with regard to the tender requirements. This will reduce the need for clarifications and enable the evaluation team to evaluate and score the tenders received on a comparative basis. If there are special requirements or complex issues please discuss these with the procurement unit at the earliest opportunity.

3.10 Selection Criteria (Qualifying Criteria)

Selection criteria must be clearly indicated in the tender documents (EOI/RFT etc.). Selection criteria tests the suitability of the candidates, it examines their previous experience and has minimum rules that must be passed in order to proceed further in the evaluation process. Transparent and non-discriminatory selection criteria should be used to test suitability.

Selection Criteria has two elements; (i) Economic/Financial and (ii) Technical/ Professional. In the Open Procedure, selection criteria are evaluated on a pass/fail basis to decide which tenderers are suitable. In the Restricted Procedure (or other multi-stage procedures) selection criteria are usually evaluated on a weighting and scored to decide which candidates should proceed to the tender invitation stage.

Selection Criteria on economic/financial and technical/professional, needs to be proportionate and related to the subject matter of the Contract.

Circular 10/14 requires a “self-declaration” approach for the provision of the necessary financial evidence. This requires documentation to be submitted to the contracting authority when requested upon the completion of the evaluation process but prior to issue of standstill letters.

In some cases, such as when using the restrictive procedure a Suitability Assessment Questionnaire may be issued.

Examples of Selection Criteria

Economic / Financial Criteria		
Criteria	Rule or Minimum Level	Pass / Fail
Evidence of Turnover/Financial Standing	Demonstrate turnover of €x for the previous x years. Note: generally set at twice the annual value of the contract.	Pass/Fail
Completion of self-declaration form in respect of insurances, tax clearance etc.	Provide evidence or complete self-declaration form (documentary evidence must be provided prior to awarding of contract or including on a tender list).	Pass/Fail
Technical / Professional Criteria		
Criteria	Rule or Minimum Level	Pass / Fail
Organisation Details: Skills, Manpower numbers	Provide information confirming access to minimum manpower levels / skills.	Pass/Fail
Previous contracts of similar nature successfully delivered during last 3 years	Provide satisfactory previous experience – submit no. of contracts and supporting references in the last 3 years with comprehensive information to enable assessment of comparability.	Pass/Fail
Quality Control systems – ISO standard or equivalent	Provide satisfactory evidence of Company Quality Control systems/Certs.	Pass/Fail
Health & Safety Statement	Provide evidence that company has a current Health & Safety Statement.	Pass/Fail

Each of the selection criteria must achieve a pass in order to proceed to evaluation of award criteria.

Exclusion from participation in a Public Contract

Article 57 of the EU Directive provides that any candidate or tenderer convicted by final judgement shall be excluded (where the contracting authority is aware of the fact) in the following situations:

- Participation in a criminal offence
- Corruption
- Fraud
- Terrorist offences
- Money Laundering

- Child labour and other forms of trafficking in human beings
- Guilty of grave professional misconduct, which can be shown
- Failure to fulfil tax obligations

3.11 Award Criteria

Award criteria are required to be clearly indicated in the request for tender documents. The award criteria examine the capability of the tenderer to meet the requirements set out in the tender specifications. They should also be set relative to the risk and nature of the contract being awarded.

There are two options for award criteria:

- Lowest Price
- Most Economically Advantageous Tender (MEAT)

With regard to the use of Lowest Price award criteria, only the price submitted is evaluated. **No other award criteria can be evaluated.**

With regard to the use of most economically advantageous tender (MEAT) award criteria are based on a combination of financial cost and quality. Each award criteria must specify the relative weighting to be used for evaluation.

Examples of award criteria applicable to MEAT:

- Ultimate cost (acquisition, operational and disposal costs)
- Period of completion
- Reliability and continuity of supply
- Quality, quantity and balance of resources offered
- Technical merit
- Environmental characteristics
- Functional characteristics
- Project plan
- After sales service
- Technical assistance
- Sustainability

Example of Award Criteria – Supplies/Services Contracts

Criteria	Weighting	Total Score Available	Minimum Score Required
Ultimate Cost €	50%	5,000	n/a
Quality of product offered	20%	2,000	1,200 (60%)
Delivery Schedule Proposed	15%	1,500	900 (60%)
Contract Management	10%	1,000	600 (60%)
Reliability & Continuity of Supply	5%	500	300 (60%)

Formula for calculating ultimate cost

Ultimate Cost (UC) of each tender is calculated as follows:
Ultimate Cost= $\frac{\text{Maximum marks available} \times \text{Cost of lowest valid tender}}{\text{Cost of tender being assessed}}$

Possible scoring ranges and rating options

Rating	% Scoring Options	Description
Excellent	86-100%	Excellent response with very few or no weaknesses that fully meets or exceeds requirements, and provides comprehensive, detailed, and convincing assurance that the Tenderer will deliver to an excellent standard.
Very Good	71-85%	A very good response that demonstrates real understanding of the requirements and assurance that the Tenderer will deliver to a good or high standard.
Good	55-70%	A satisfactory response which demonstrates a reasonable understanding of requirements and gives reasonable assurance of delivery to an adequate standard but does not provide sufficiently convincing assurance to award a higher mark.
Fair	40-54%	A response where reservations exist and which have not been addressed by clarification. Lacks full credibility/convincing detail, and there is a significant risk that the response will not be successful.
Poor	25-39%	A response where serious reservations exist. This may be because, for example, insufficient detail is provided (even post clarification), and the response has fundamental flaws, or is seriously inadequate or seriously lacks credibility with a high risk of non delivery.
No Evidence	Below 25%	Response completely fails to address the criterion under consideration.

A minimum rating of Good (55-70%) is required; failure of a tenderer to achieve the minimum score under any of the criteria will result in elimination from the competition.

3.12 Advertise and Conduct Tendering Process

In accordance with Cir 10/14, all goods and services contracts with a value greater than €25,000, works contracts greater than €50,000 must be advertised on eTenders.

The relevant Director of Service / Senior Executive Officer (or analogous grade) is to approve the placing of all advertisements on eTenders.

The tender reference used on eTenders must be the Procurement Reference Number supplied by the Procurement Unit. Training notes for eTenders are available from the Procurement Unit.

There are prescribed timescales for advertising tender notices. A set time period for the submission of clarifications by the tenderer should be built in. The period for clarifications should end a minimum of one week prior to the closing date of the tender.

Circular 10/14 states that RFTs or EOIs should be published on eTenders for direct downloading by suppliers.

National tenders advertised on eTenders

Wicklow County Council policy and best practice for National tenders (below EU Thresholds Section 2.9) is to allow for a minimum of 21 calendar days in order to give tenderers adequate time to submit a tender and to encourage competition from the supply market. This criterion applies to both open and restricted procedures. Shorter timescales may be considered in cases of *extreme urgency* but only with the prior approval of the Procurement Unit. It is envisaged that such situations will arise infrequently.

EU Tenders advertised on OJEU (through eTenders website)

The EU Directives set the prescribed time periods for OJEU tenders as follows:

Procedure Type	Receipt of Expression of Interest (EOI)	Receipt of tender
Open	N/A	35 days (hard copy receipt of tenders) 30 days (if electronic tenders permitted) 15 days (if preceded by suitable PIN)
Restricted	30 days (minimum)	30 days (hard copy receipt of tenders) 25 days (if electronic tenders permitted) 10 days (if preceded by suitable PIN)
Competitive Procedure (with negotiation & innovative partnerships)	30 days (minimum) 15 days minimum (if preceded by	30 days (hard copy receipt of tenders) 25 days (if electronic tenders permitted)

	<i>suitable PIN</i>	10 days (if preceded by suitable PIN)
Competitive Dialogue	30 days (minimum) No reduction for PIN	No explicit time limit for initial/subsequent tenders

Questions and Clarifications

Tenderers should be instructed to submit questions and clarifications **via eTenders only**. Clarification/information provided in response to a question by a tenderer should be replied to all tenderers using the questions and answers facility on eTenders. No other consultation/communication should be held with tenderers once the tender process is underway (i.e. once the contract notice has been advertised on eTenders). This is to ensure the principle of equal treatment is consistently applied.

Submission of Tenders

Tenders may be submitted electronically via the eTenders website if this option is selected when the contract notice is advertised. Otherwise, all tenders should be submitted in sealed envelopes and delivered to:

(Relevant contact person & department)
Wicklow County Council, County Buildings, Station Road, Wicklow.

The designated closing time for all Wicklow County Council tenders is 12 noon, or as otherwise agreed with the Procurement Unit.

Receipt of Tenders

Tenders and requests for quotations with an anticipated value of up to €25,000 excl. VAT for goods and services and up to €50,000 excl. VAT for Works should be returned directly to the section dealing with the tender.

Guidance on the rules in relation to the tender competition should be clearly outlined in the Instruction to Tenderers (ITT) or the Request for Tenders (RFT). It is acknowledged that the standard template ITT/RTFs contained in the Capital Works Management Framework and the Office of Government Procurement can vary depending on the type of procurement process.

The outside of the envelope or box that contains the tender should clearly identify:

- The title of the tender.
- The name of the person to whom the tender is to be returned (The DOS or SEO of the Department).
- The receipt address.
- The date and the time for receipt of tenders.
- The tenderer should also be requested to put their name and address on the outside of the tender submission in case their tender is to be returned to them unopened otherwise the tender may have to be opened to identify the tenderer.

Tenders must have a 'Return By' date of Monday- Friday at 12.00 noon. Tenders are regarded as having been received when they are **date & time stamped** at main reception at County Buildings or at the counter of the relevant department (where applicable). If a tender arrives late, it should be accepted but marked LATE and not opened. The receipt signature and a receipt time are recorded on the tender envelope or box. A receipt should be given to the tenderer if requested. Tenders must not be accepted by fax or email for reasons of confidentiality. If received at the main reception, tenders are to be forwarded to the relevant department immediately. Tenders are to be stored in the tender boxes located in the relevant department. Large volume tenders (e.g. construction projects) should be stored in a secure room.

Opening and Examination of Tenders

The need for a formal opening procedure for tenders arises from the need to demonstrate transparency. After the expiry of the closing date, the tenders should be extracted from the safe box/secure room and opened in the presence of the Cathaoirleach (or any other nominated member) and a minimum of one other senior member of staff. A schedule of the relevant documents (e.g. declarations, form of tender, pricing schedules etc) relating to the tender should be provided to the tender opening team. All responsive tenders should be examined to ensure that these documents have been submitted and completed correctly. Each document is signed and dated by the tender opening team.

All tenders are then recorded in the official Tender Opening Book. The title of the tender should be recorded in the book. Each tender should be given a number and checked for its return date and time. The following information is recorded on the schedule:

- Tender Number
- Tenderers Name and address
- Any obvious anomalies with the tender
- Price (excl. VAT) if lowest price is applicable

If any tender is recorded as having been delivered after the time for receipt of tenders then that tender should not be opened. The tender is still given a number and entered onto the schedule in the Tender Record Book, but is noted as being late. Late tenders should not be opened unless there is no other means of identifying the name and address of the tenderer on the outside of the tender envelope or box. Once all tenders have been opened and recorded in the Tender Record Book, the book should be signed by all people in attendance. The relevant Tender Record Book page should be copied and forwarded to the procurement contact for the competition along with the tender documentation for evaluation. The late tenderer should be contacted by the relevant section to inform them that their tender was late and returned to them.

3.13 Evaluation of Tenders

It is the responsibility of the Project Manager or nominated person to commence the evaluation process. The evaluation team should ideally consist of at least three people, with a chairperson appointed. Conflict of interest declarations must be signed by all members of the evaluation team.

Tenders must be evaluated objectively and transparently against the published (selection and award) evaluation criteria. Objectivity and transparency is best achieved by the use of a scoring system or marking sheet based on the published criteria and weightings (Sections 3.10 and 3.11).

The Project Manager is responsible for the administration of the evaluation process and for presenting the recommendation of the evaluation team to the Director of Services (or delegated person). Individual and summary evaluation sheets must be signed by all members of the evaluation team and retained on file. The reasons for the scores given and the relative characteristics recorded against each tender submission will form the basis of the notification to tenderers. **These records are subject to FOI.**

A copy of the summary evaluation sheet must be forwarded to the Procurement Unit at the conclusion of the evaluation process.

3.14 Obtain approval and award a contract

Approval to Award a Contract

For all contracts above €25,000 (goods/services/supplies) and above €50,000 (works), a Chief Executive Order or Delegated Order must be completed where a decision is made to accept a tender/award a contract, thereby authorising the issue of notification letters to tenderers (CE Orders 199/17 and 201/17, dated 27/04/2017). The engagement of ALL consultants requires a CE Order regardless of value.

The CE Order / Delegated Order **must** contain the following:

- eTenders reference
- Description of competition as advertised
- Name and address of successful tenderer
- Outline of the tender process used
- Recommendation of evaluation team
- Details of contract value and duration

If an exact contract value cannot be determined at the outset, an estimated maximum contract value should be provided. Template documents for these orders can be found under G:\Shared\Procurement or can be sought directly from the Procurement Unit.

Notification to Tenderers (Standstill Letters)

All tenderers must be informed of the outcome of the competition at the same time. Advice should be sought from the Procurement Unit for the appropriate template letters, known as “standstill letters”.

Tenderers who **do not** meet the minimum evaluation (selection and/or award) criteria are deemed “Inadmissible” under Public Procurement Rules and are subject to different notification requirements where they are only entitled to receive their own scores, reasons for failure and the name of the successful tenderer.

Tenderers who **do** meet the minimum evaluation criteria are ranked based on scores achieved. Public Procurement Rules specify that the unsuccessful tenderers must be provided with their scores as well as the name and scores of the successful tenderer in the notification.

For EU value contracts, the characteristics and relative advantages of the successful tender must also be provided. For national (below EU threshold) contract values, it is recommended this information be provided.

Formal or Informal Debriefing of Tenderers

Formal or informal debriefing of candidates/tenderers **is not** recommended as all necessary information required to be given should be set out in the written notification issued to them at the conclusion of the tender competition.

The holding of informal or formal debriefing meetings increases the risk of introducing new information. If any new information (other than that contained in the notification) is provided it may thereby delay the expiry of the standstill period and the subsequent award of contract. The Procurement Unit should be consulted in such cases.

Contract Award Notices

The Project Manager is responsible for ensuring a contract award notice is posted on eTenders within 48 days of the award. The Procurement Unit should also be notified.

Retention of Tender & Contract Documentation

All tender and contract documentation must be retained for the minimum periods and in the manner set out in the retention schedules contained in the National Retention Policy for Local Authority Records (2002); and shall be produced for inspection by the EU, Local Government or Internal Auditor if required.

3.15 Conclude/Manage a Contract

After the expiry of the standstill period, the successful tenderer and the Council must sign a written agreement setting out the terms and conditions of the contract, prior to commencement of services. This is to ensure that there is a clear understanding between the parties in respect of their agreement and will mitigate against disputes arising during the performance of the contract.

In the case of drawdown contracts under the terms of a Framework Agreement, the prescribed drawdown contracts must be put in place. Service level agreements may also be required for certain procurements.

The awarding of contracts to suppliers places legal obligations on the Council. All employees are bound to ensure that the Council is not placed under any undue form of legal exposure. The Procurement Unit should be consulted prior to the signing of agreements between the Council and suppliers.

The execution and management of a contract is the responsibility of a Contract Manager to be appointed by the Head of Department.

3.16 Review Performance and Close Contract

Contract Managers should ensure that all existing contracts are monitored to ensure supplier performance and their conformity with the specification of requirements and tender submission.

3.17 Extending a Contract

The extension of contracts (value or duration) may place the Council at risk of non-compliance with Public Procurement Rules. Contracts may only be extended by prior agreement with Procurement Unit and in accordance with all relevant legislation and requirements under law. The extension must be approved by Chief Executive Order or Delegated Order. Where contracts are extended, the signed Order must be forwarded to Procurement Unit for recording in the Contracts Database.

3.18 Relevant Contracts Tax

Relevant Contracts Tax (RCT) applies to payments made by a principal contractor to a subcontractor under a relevant contract (this is a contract to carry out, or supply labour for the performance of relevant operations in the construction, forestry or meat processing industry). RCT applies to both resident and non-resident contractors operating in the construction, forestry or meat processing industry.

On 13 December 2011, the Minister for Finance signed the Commencement Order for the new electronic RCT (e-RCT) system which was introduced on **1 January 2012**.

All principal contractors in the construction sector such as Wicklow County Council are obliged to engage electronically with Revenue and should:

- Notify Revenue in advance of works commencing of all contracts online (Contract Notification)
- Notify payments online (Payment Notification)
- Provide a copy or details of the Deduction Authorisation to the Subcontractor
- Submit monthly/quarterly returns online (Deduction Summary / Return)
- Make payments of RCT deducted

Demonstration of a satisfactory level of subcontractor tax compliance:

Before the awarding of the contract:

It will be a condition for the award of the contract that all sub-contractors employed on the project must produce a tax reference number where payments exceed €650.

Before a relevant contract (i.e. a contract that is subject to RCT) is awarded, *subcontractors at 0% or 20% can produce a Subcontractor's Notification of Determination issued under Section 530I Taxes Consolidation Act 1997 showing the rate determined by Revenue to demonstrate*

their satisfactory subcontractor tax compliance. The contracting authority or principal can accept the Subcontractor's Notification of Determination if it has been issued within the previous 30 days.

After the awarding of the contract:

Where a relevant contract (i.e. a contract that is subject to RCT) has been awarded to a subcontractor, the contracting authority or principal contractor must notify Revenue of the relevant contract online under Section 530B Taxes Consolidation Act 1997. In response to such a notification, Revenue will issue an instant acknowledgement indicating the appropriate rate of 0%, 20% or 35%. *Where a 35% rate is indicated, the contracting authority or principal will be aware that the subcontractor has not demonstrated a satisfactory level of subcontractor tax compliance* and the contracting authority will require a current tax clearance certificate in order to proceed with payment.

When a subcontractor's rate is amended by Revenue or as the result of a rate review by the subcontractor, the contracting authority or principal will be notified of the change in rate.

If a subcontractor who previously demonstrated a satisfactory level of subcontractor tax compliance is moved to the 35% rate, the contracting authority will require a current tax clearance certificate in order to proceed with payment.

Penalties for unreported payments:

Sub-Contractor	Type Penalty Rate
Unknown	35%
0%	3%
20%	10%
35%	20%

Appendix 1 – CE Orders No 199/17 and 201/17 - Approval Limits / Procurement Requirements

CE Order Number 199/17.

Re: Purchase Order / Contract Approval Limits

Purchase Order Approval Limits (**Exclusive of VAT**), applicable from **26th June 2017:**

Purchase Order Limits		
Approver Grades:		Approval Limit per order:
Group 1	Staff Officer	€5,000
Group 2	Senior Staff Officer Senior Executive Technician Clerk of Works Chief Technician Executive Engineer Executive Chemist Executive Planner District Administrator (excl. Bray)	€15,000
Group 3	Administrative Officer District Administrator Bray Senior Executive Engineer Senior Executive Planner Municipal District Engineer Vet Senior Executive Chemist Resident Engineer	€50,000
Group 4	Senior Executive Officer Senior Engineer Senior Planner County Librarian Chief Fire Officer Head of Information Systems	€125,000
Group 5	Director of Services	Up to €1million
Group 6	Chief Executive	Greater than €1million

Set out below are the procedures and limits for the purchase of supplies, services and works. Please read in conjunction with the current version of Wicklow County Council's Procurement Policy and Procedures.

Financial Limit Ex VAT	Requirement	Process
Up to €5,000 (All Contracts and purchases)	<u>One</u> verbal quotation (minimum) to be sought. Details of quotation should be completed on the quotation form (RFQ form) and acceptance to be approved by Group 1 or higher. The engagement of Consultants requires a Chief Executive Order regardless of value. <i>Purchases made using Low Value Purchase Cards and meeting Finance Department's terms and conditions for the use of LVPCs are exempted from these requirements.</i>	RFQ
€5,000 - €25,000 (Supplies & Services contracts)	<u>Three</u> written quotations (minimum) to be sought. Details of quotation should be completed on the quotation form (RFQ form) and acceptance to be approved by Group 2 or higher. The engagement of Consultants requires a Chief Executive Order regardless of value.	RFQ
€5,000 - €50,000 (Works contracts)	<u>Three</u> written quotations (minimum) to be sought. Details of quotation should be completed on the quotation form (RFQ form) and acceptance to be approved by Group 2 or higher.	RFQ/RFT
Above €25,000 - €1million (Supplies & Services contracts)	Tenders to be invited by public advertisement on www.etenders.gov.ie website in accordance with WCC's Procurement Policy and Procurement Procedures, National Regulations / Guidelines and EU Directives. Acceptance to be approved by the Chief Executive Order (Delegated). <i>The exception to this is the engagement of Consultants which requires a Chief Executive Order regardless of value.</i>	RFT
Above €50,000 - €1million (Works Contracts)	Tenders to be invited by public advertisement on www.etenders.gov.ie website in accordance with WCC's Procurement Policy and Procurement Procedures, National Regulations / Guidelines and EU Directives. Acceptance to be approved by the Chief Executive Order (Delegated).	RFT
Above €1million (All contracts)	Tenders to be invited by public advertisement on www.etenders.gov.ie website in accordance with WCC's Procurement Policy and Procurement Procedures, National Regulations / Guidelines and EU Directives. Acceptance to be approved by the Chief Executive Order.	RFT

CE Order Number 201/17

Re: Wicklow County Council Procurement Policy

The following are also applicable from the date of this CE Order:

Collaborative Procurement Arrangements

The activation of all collaborative arrangements (framework agreements and centralised contracts) established by the Office of Government Procurement or other public bodies must be accepted and signed by the Head of Finance.

Where purchases are being considered, the procuring manager shall have regard to existing framework agreements, contracts, panels, lists and live quotations in place and the burden of proof is on the procuring manager to demonstrate adherence to same. In particular, the established procurement hierarchy relating to existing contracts/frameworks at national, sector

and/or regional levels should be assessed before deciding to pursue a local procurement. Decisions not to use existing contracts/frameworks should be explained by way of report and approved by the appropriate Director of Service/Head of Department.

When purchases are being made using approved collaborative arrangements, there is no necessity to obtain further quotations other than those set out in the arrangements (following mini-competition/agreed supplier prices). However, the approval of the award of contract to the supplier is subject to the approver limits and approval procedures set out above. If there is any doubt or clarity required regarding these procedure please contact WCC's Procurement Officer.

Publication of Contract Award Notices

Contract Award notices are to be published for **all** contracts over €25,000 on the www.etenders.gov.ie website, in compliance with Circular 10/14. This includes where subsequent contracts are awarded by way of mini-competition under established frameworks.

Contracts Database

It is the responsibility of each Department to ensure that all contracts entered into, including formal contracts, service level agreements/arrangements, are entered into a contracts database held by the Procurement Unit. This database may be inspected by the Local Government Auditor on request.

E-procurement

Where possible, all procurement should be advertised and conducted electronically on the SupplyGov.ie or eTenders web portals.

Tax Clearance and VAT

All suppliers engaged must be compliant with current Tax Clearance legislation. All monetary values described in this Order are **Exclusive** of VAT.

Approval Limits / Threshold Values

Approvers should be satisfied when approving the acceptance of quotations or tenders for the purchase of supplies, services or works that multiple lower value contracts or multiple LVPC transactions are not being used to circumvent a more appropriate and prescribed procurement method.

Signed:

Bryan Doyle
Chief Executive
Wicklow County Council

Date:

Appendix 2 – Procurement process requirements and procedures

Table 1 - Goods/supplies & services contracts

	Less than €5,000 (Lowest Price or MEAT)	€5,000-€25,000 (Lowest Price or MEAT)	€25,000-€134,000 (MEAT)	€134,000-€221,000 (MEAT)	Greater than €221,000 (MEAT)
Recommended Process	<p>Confirm budget in place</p> <p>Establish the need & prepare appropriate specification</p> <p>Determine if local, sector or national framework in place for the goods or service</p> <p>If not, define selection and award criteria and send doc/spec to suppliers</p> <p>Seek and obtain minimum of one verbal quote (confirmed in writing) for specific requirement</p> <p>Evaluate quotes objectively against specified requirements</p> <p>Raise purchase order (details to be included on QRF form) or use LVPC</p>	<p>Confirm budget in place</p> <p>Establish the need & prepare appropriate specification</p> <p>Determine if local, sector or national framework in place for the goods or service</p> <p>If not, define selection and award criteria and send doc/spec to suppliers</p> <p>Seek and obtain minimum three written quotes for specific requirement</p> <p>Evaluate quotes objectively against specified requirements</p> <p>Raise purchase order</p>	<p>Confirm budget in place</p> <p>Inform Procurement Unit of the tender</p> <p>Establish the need & prepare appropriate specification</p> <p>Determine if local, sector or national framework in place for the goods or service</p> <p>If yes, arrange for relevant draw down with Procurement Unit</p> <p>If not, define selection and award criteria</p> <p>Choose tendering procedure</p> <p>Prepare tender documentation</p> <p>Get procurement reference from Procurement Unit</p> <p>Advertise on eTenders</p> <p>Establish evaluation team. Assess & evaluate tenders</p> <p>Prepare tender report for approval – CE Order (Delegated)* required</p> <p>Award tender</p> <p>Publish award notice and manage tender</p> <p>Forward details to Procurement Unit for Contracts database</p> <p>Raise purchase order</p>	<p>Confirm budget in place</p> <p>Consult Procurement Unit regarding tender</p> <p>Establish the need & prepare appropriate specification</p> <p>Determine if local, sector or national framework in place for the goods or service</p> <p>If yes, arrange for relevant draw down with Procurement Unit</p> <p>If not, define selection and award criteria</p> <p>If not, define selection and award criteria</p> <p>Choose tendering procedure</p> <p>Prepare tender documentation</p> <p>Choose tendering procedure</p> <p>Prepare tender documentation</p> <p>Get procurement reference from Procurement Unit</p> <p>Advertise on eTenders & OJEU</p> <p>Get procurement reference from Procurement Unit</p> <p>Advertise on eTenders (voluntarily to OJEU)</p> <p>Establish evaluation team. Assess & evaluate tenders</p> <p>Prepare tender report for approval – CE Order (Delegated)* required</p> <p>Establish evaluation team. Assess & evaluate tenders</p> <p>Prepare tender report for approval – CE Order (Delegated)* required</p> <p>Award tender</p> <p>Publish award notice and manage tender</p> <p>Prepare tender report for approval – CE Order (Delegated)* required</p> <p>Award tender</p> <p>Publish award notice and manage tender</p> <p>Forward details to Procurement Unit for Contracts database</p> <p>Raise purchase order</p> <p>Forward details to Procurement Unit for Contracts database</p> <p>Raise purchase order</p>	<p>Confirm budget in place</p> <p>Consult Procurement Unit regarding tender</p> <p>Establish the need & prepare appropriate specification</p> <p>Determine if local, sector or national framework in place for the goods or service</p> <p>If yes, arrange for relevant draw down with Procurement Unit</p> <p>If not, define selection and award criteria</p> <p>Choose tendering procedure</p> <p>Prepare tender documentation</p> <p>Get procurement reference from Procurement Unit</p> <p>Advertise on eTenders & OJEU</p> <p>Establish evaluation team. Assess & evaluate tenders</p> <p>Prepare tender report for approval – CE Order (Delegated)* required. If over €1million, CE Order required</p> <p>Award tender</p> <p>Publish award notice and manage tender</p> <p>Forward details to Procurement Unit for Contracts database</p> <p>Raise purchase order</p>

*CE Order (not delegated) required for **engagement of any Consultant** regardless of value

Table 2 – Works & related services contracts

	Less than €5,000 (Lowest Price or MEAT)	€5,000-€50,000 (Lowest Price or MEAT)	€50,000-€250,000 (MEAT)	€250,000-€5,548,000 (MEAT)	Greater than €5,548,000 (MEAT)
Recommended Process	<p>Confirm budget in place</p> <p>Establish the need & prepare appropriate specification</p> <p>Determine if local, sector or national framework in place for the works & related services</p> <p>If not, define selection and award criteria and send doc/spec to suppliers</p> <p>Seek and obtain minimum of one verbal quote (confirmed in writing) for specific requirement</p> <p>Evaluate quotes objectively against specified requirements</p> <p>Raise purchase order (details to be included on QRF form) or use LVPC</p>	<p>Confirm budget in place</p> <p>Establish the need & prepare appropriate specification</p> <p>Determine if local, sector or national framework in place for the works & related services</p> <p>If not, define selection and award criteria and send doc/spec to suppliers</p> <p>Seek and obtain minimum three written quotes for specific requirement</p> <p>Evaluate quotes objectively against specified requirements</p> <p>Prepare tender report for approval – CE Order (Delegated) required if over €25,000</p> <p>Raise purchase order</p>	<p>Confirm budget in place</p> <p>Inform Procurement Unit of the tender</p> <p>Establish the need & prepare appropriate specification</p> <p>Determine if local, sector or national framework in place for the works & related services</p> <p>If yes, arrange for relevant draw down with Procurement Unit</p> <p>If not, define selection and award criteria</p> <p>Choose tendering procedure</p> <p>Prepare tender documentation</p> <p>Get procurement reference from Procurement Unit</p> <p>Advertise on eTenders</p> <p>Establish evaluation team. Assess & evaluate tenders</p> <p>Prepare tender report for approval – CE Order (Delegated) required</p> <p>Award tender</p> <p>Publish award notice and manage tender</p> <p>Forward details to Procurement Unit for Contracts database</p> <p>Raise purchase order</p>	<p>Confirm budget in place</p> <p>Consult Procurement Unit regarding tender</p> <p>Establish the need & prepare appropriate specification</p> <p>Determine if local, sector or national framework in place for the works & related services</p> <p>If yes, arrange for relevant draw down with Procurement Unit</p> <p>If not, define selection and award criteria</p> <p>If not, define selection and award criteria</p> <p>Choose tendering procedure</p> <p>Prepare tender documentation</p> <p>Get procurement reference from Procurement Unit</p> <p>Advertise on eTenders & OJEU</p> <p>Get procurement reference from Procurement Unit</p> <p>Advertise on eTenders (voluntarily to OJEU)</p> <p>Establish evaluation team. Assess & evaluate tenders</p> <p>Prepare tender report for approval – CE Order (Delegated) required. If over €1million, CE Order required</p> <p>Award tender</p> <p>Publish award notice and manage tender</p> <p>Forward details to Procurement Unit for Contracts database</p> <p>Raise purchase order</p>	<p>Confirm budget in place</p> <p>Consult Procurement Unit regarding tender</p> <p>Establish the need & prepare appropriate specification</p> <p>Determine if local, sector or national framework in place for the goods or service</p> <p>If yes, arrange for relevant draw down with Procurement Unit</p> <p>If not, define selection and award criteria</p> <p>Choose tendering procedure</p> <p>Prepare tender documentation</p> <p>Get procurement reference from Procurement Unit</p> <p>Advertise on eTenders & OJEU</p> <p>Establish evaluation team. Assess & evaluate tenders</p> <p>Prepare tender report for approval – CE Order</p> <p>Award tender</p> <p>Publish award notice and manage tender</p> <p>Forward details to Procurement Unit for Contracts database</p> <p>Raise purchase order</p>

Appendix 3 – Declaration of confidentiality & conflict of interest

Re:	
eTenders Ref:	
Advertised:	Closing Date:
Procedure:	

I being a member of an evaluation team for Wicklow County Council, and being in the course of my duties called upon to evaluate tenders and to advise or make recommendations on the selection or identification of successful and unsuccessful bidders, do hereby undertake the following:

I solemnly undertake that I will declare, should it arise, any relationship, filial or otherwise, or any interest, shareholding or possible conflict of interest arising with any service provider, firm, agent, agency, contractor, supplier or other organisation which Wicklow County Council is considering for the award of contracts.

I further undertake to maintain the total confidentiality of all documentation and information received in relation to these procurement processes which comes to my notice against all parties other than the Council and its nominees, and to maintain this confidentiality both now and in the future.

Signed:.....

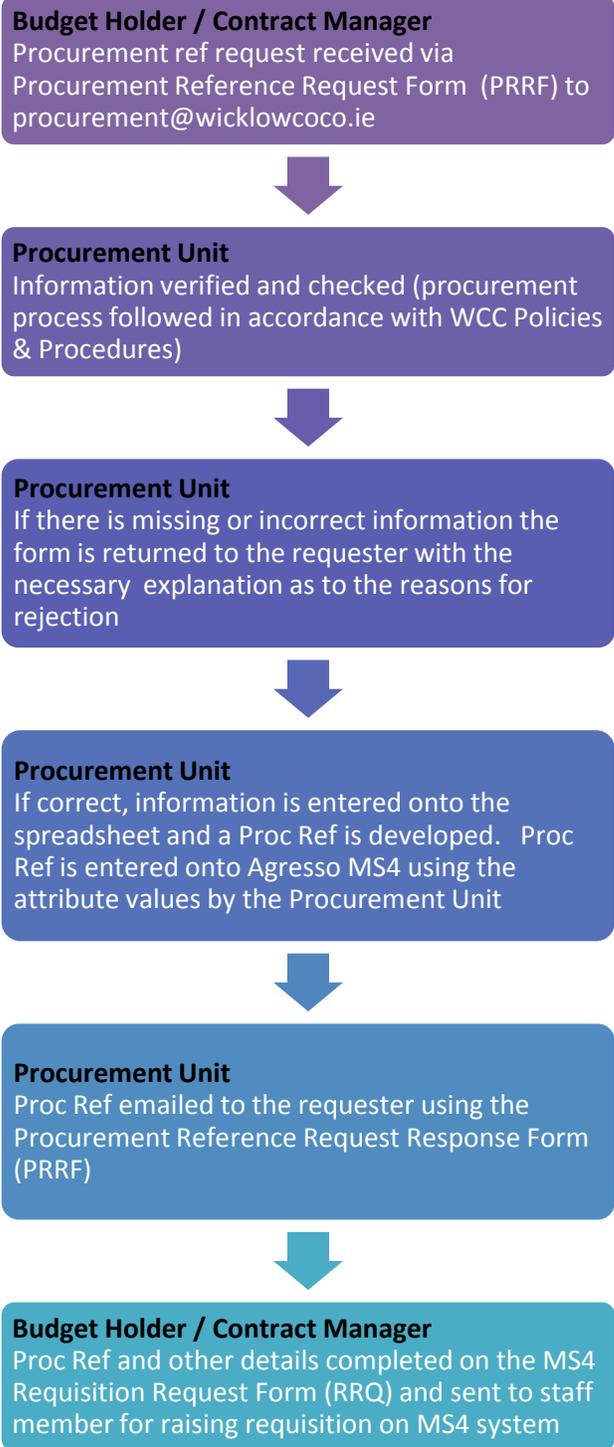
Witnessed:.....

Date:.....

Date:.....

Appendix 4 – Proposed procedure for MS4

Procurement References:



Quotations:



Appendix 5 – Checklist for Public Procurement Process

This checklist should be used as you proceed through the procurement process:

1. [Identifying the need](#)
2. [Writing the specification](#)
3. [Estimating cost](#)
4. [Determining the best procurement strategy](#)
5. [Deciding on the tendering procedure that should be followed](#)
6. [Preparing your Request for Tender \(RFT\)](#)
7. [Allowing sufficient time for submission of tenders](#)
8. [Issuing tender documents, supporting documents and clarifications](#)
9. [Clarifying tenders](#)
10. [Evaluation of tenders](#)
11. [Notifying tenderers](#)
12. [Checking tax clearance certificates](#)
13. [Awarding the contract](#)
14. [Publishing contract award notice](#)
15. [Managing the contract](#)

1. Identifying the need – is the purchase necessary?

Before starting any procurement process, it is important to establish whether it is essential to purchase.

- 1.1 Establish if there is a clear business need for the supply or service. The procurement should be essential for the conduct of normal business or to improve performance.
- 1.2 Ensure that the business case addresses future phases of the service or purchase of goods that may be required.
- 1.3 Check if supply/services are already available within Wicklow County Council, or part of a National Procurement Framework. If you require further information contact the Procurement Unit or email procurement@wicklowcoco.ie

2. Writing the specification

Once the need for has been established, the specification of requirements needs to be developed.

- 2.1 Base the specifications on the needs identified in the business case.
- 2.2 Ensure that the specifications are clear and comprehensive but not discriminatory (use generic technical specification and avoid

- proprietary brand names).
- 2.3 Ensure that the specifications present the optimum combination of whole-life-costs and/or price, where appropriate, and quality (or fitness for purpose) to meet your requirements.

3. Estimating cost

A realistic estimate of all phases of the service or product is essential as this will influence the procurement procedure to be followed and is important for budgeting purposes.

- 3.1 Prepare a realistic estimate of all phases of the service or product.
- 3.2 Establish whether funds/budget is available for the purchase?
- 3.3 Determine whether the estimate (exclusive of VAT) is over the relevant EU procurement threshold

4. Determining the best procurement strategy

Adopt a procurement strategy that will minimise casual or ‘once-off’ purchases and promote best value for money.

- 4.1 Check if the organisation already has a draw-down contract or framework agreement in place for the product/service.
- 4.2 If such an arrangement does exist but is not being used on this occasion, record the reasons why.

5. Deciding on the tendering procedure that should be followed

Following an appropriate competitive tendering procedure will avoid breaches of national procurement policy and EU Procurement Directives. The type of competitive process to be followed can vary depending on the size and characteristics of the contract to be awarded and the nature of your organisation. There are two general types of procedure which may be used: A) an open procedure, where all interested parties are invited to tender and B) a restricted (or selective) procedure where only those deemed to have the necessary capacity and expertise are invited to tender.

- 5.1 Conduct an appropriate competitive tendering procedure.
- 5.2 For contracts below the relevant EU procurement thresholds, follow the steps set out in Section 2, of this document.
- 5.3 For contracts above the relevant EU procurement thresholds, follow the steps set out in Section 2, of this document.

6. Preparing your Request for Tender (RFT)

- 6.1 Ensure that the RFT is clear and comprehensive. Clarity and completeness at this stage will help eliminate the need for clarifications later.
- 6.2 Set out all the criteria that will be applied in the award process, together with the relative weightings of each. This is a vital part of the process. These criteria will form the basis against which tenders will be comparatively evaluated and are the key to an objective, transparent award procedure.
- 6.3 Specify any special conditions of tender, FOI clause, required format of tender responses etc.

7. Allowing sufficient time for submission of tenders

Allow tenderers an adequate period for the preparation of tender submissions.

- 7.1 Take account of the complexity of the contract when fixing the timescale for submitting responses.
- 7.2 Allow tenderers sufficient time for submitting the necessary information and preparing the tenders (taking into account holiday periods etc.).
- 7.3 In the case of contracts in excess of EU Directive thresholds, ensure that the timescale complies with the minimum periods specified in the Directives.

8. Issuing clarifications without delay

Responses to requests for information and clarifications must be issued without delay.

- 8.1 Issue responses to requests for additional information and clarifications in good time. Delays in issuing clarifications may lead to an extension of the tender closing date. Final dates for requests and issues for clarifications should be noted in the tender documentation.
- 8.2 Ensure that additional information supplied to one party, in response to a request, is supplied to all interested parties.

9. Clarifying tenders

Wicklow County Council may seek additional information in clarifying submitted tenders.

- 9.1 Ensure that any clarification of tenders does not result in substantive alterations to bids after the deadline for submission has passed.

10. Evaluating tenders

The evaluation and award process must be demonstrably objective and transparent and based solely on the criteria published in the RFT. This is best achieved by the use of a scoring system based on all the relevant weighted criteria, indicating a comparative assessment of tenders under each criterion.

- 10.1 Arrange for the evaluation of tenders to be carried out by a suitably competent team.
- 10.2 Evaluate price exclusive of VAT.
- 10.3 If price is the sole criterion, award the contract to the lowest priced bid complying with the specified requirements.
- 10.4 If the 'most economically advantageous tender' is the basis for award, award the contract to the tender that best meets the relevant published criteria.

11. Notification to tenderers (Standstill Letters)

Unsuccessful candidates and tenderers for any public contract should be informed of the results of the tendering process without delay.

- 11.1 In the case of contracts covered by the EU Directives, allow a 14 calendar day interval (when notifying electronically) or 16 days (when notifying by post) or seven calendar days in the case of a contract advertised under an accelerated procedure due to urgency) between notifying unsuccessful tenderers of the outcome of the tendering procedure and the formal award of contract.

12. Checking tax clearance certificates

Before a contract is placed the supplier or service provider must hold a current Tax Clearance Certificate.

- 12.1 Ensure that the supplier or service provider is tax cleared by either verification online or by producing an original current Tax Clearance Certificate.

13. Awarding the contract

The contract should be awarded to the supplier or service provider that is best able to fulfil your requirements, whose bid is within budget and in all other respects complies with the RFT, approval requirements, public procurement law and national guidelines.

- 13.1 Record in the contract document(s) all terms and special conditions

that apply, including health and safety requirements, insurance etc.

13.2 Attach a specification to the contract document(s) which reflects the solution proposed by the successful tenderer.

13.3 Ensure that the contract specifies clearly the roles and responsibilities of both the client and the supplier/service provider – what needs to be done, by whom and how much it will cost.

14. Publishing a contract award notice

For contracts above the EU thresholds, you are required to publish contract award information in the OJEU within 48 days of the award. In accordance with Circular 10/14 (Initiatives to assist SMEs in Public Procurement) dated 16/4/14 issued by DPER, buyers are required to publish all Contract Award Notices over €25,000 on the eTenders website on completion of the award. This is a separate step to publishing on the OJEU and will facilitate measurement of SME participation in public procurement.

14.1 Submit the necessary information online via the eTenders site on the standard 'Contract Award Notice'.

14.2 Details to be forwarded to Procurement Unit for Contracts Database

15. Managing the contract

The management stage of a contract is where value for money (VFM) gained during the preceding stages is realised. A contract needs to be effectively managed by the user, not just left to the supplier. Proactive involvement in the management of the contract is essential to maximise VFM.

15.1 Have a programme of checking work/goods against the specification.

15.2 Ensure that there are procedures for identifying inadequacies/poor performance and for remedial action.

15.3 Maintain a record of supplier performance.

15.4 At the conclusion of the contract, review the whole procurement process, 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.