

# Meath County Council Procurement Procedures



comhairle chontae na mí  
meath county council

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# SECTION 1

## OVERVIEW OF PROCUREMENT IN MEATH COUNTY COUNCIL

## 1.1 Meath County Council's Corporate Procurement Objectives

The objectives of the Procurement function within Meath County Council and all subsidiaries are:

- To ensure compliance with all relevant European and National legislation, Government regulations and Local and National public procurement guidelines
- To implement smarter and sustainable procurement practices that will deliver savings and reduce procurement risk
- To ensure that the Council operates in a fair, open and non-discriminatory manner in all its purchasing transactions
- To ensure that all dealings are carried out with best practice and ethical codes of conduct
- To ensure that optimum quality, service and Value for Money (VFM) are achieved across all purchasing expenditure
- To align procurement to a more centralised function and develop robust procedures and processes, taking account of best procurement practices
- To purchase as efficiently as possible while ensuring that the Council's deal with quality suppliers
- Official Purchase Orders can only be raised by departmental personnel with the necessary authorisation, and must have a separate requester and approver in line with sound corporate governance

## 1.2 Meath County Council Procurement Policy

Meath County Council's updated Procurement Policy was approved and published in March 2021, it sets out the policy for the procurement of supplies, services and works by Meath County Council. The policy also applies to framework agreements and service concession agreements. The policy gives an overview of the governing principles of public procurement and the regulatory framework the Council must operate within. The policy applies to all employees as well as contractors or consultants working for and/or on behalf of Meath County Council.

Chief Executive Order CEO MISC 3509/2021 (Appendices page 37) dated 13<sup>th</sup> April 2021 sets out the approval levels and relevant requirements to be followed under the Procurement Policy. All employees are required to obtain appropriate approval in accordance with the provisions of CEO MISC 3509/2021 prior to making any formal or informal commitments to suppliers and external markets.

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.

The Procurement Unit will, whenever feasible, promote, guide and support end users on the procurement responsibilities and requirements across the organisation in order to achieve compliance and value for money. Whenever possible, Local Authority sector collaboration will be supported, provided that additional value for money can be demonstrated. Meath

County Council will comply with National Office of Government Procurement (OGP) Frameworks where deemed appropriate and where value for money or other non-financial cost savings can be achieved.

Each Director of Services shall ensure that all staff within their Directorate, involved or engaged in the procurement process, are familiar with Meath County Council's procurement rules and regulations including the contents of this document, national legislation, circulars, guidelines and EU Regulations etc.

Section 8 of the Safety, Health and Welfare at Work Act 2005 places duties on the employer regarding the provision of 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 this Act and these should be consulted as relevant.

The procurement process shall take cognisance of the relevant Occupational Safety and Health (OSH) requirements. The following SMS procedures shall be consulted and are available:

<http://intranet/Sections/HealthSafety/PoliciesProceduresandForms/PoliciesandProcedures/>

- SMS/PP/C1 Chemical Agents
- SMS/PP/C4 Contractors / Consultants / Service Providers
- SMS/PP/C5 Construction Projects
- SMS/PP/P1 Personal Protective Clothing and Equipment
- SMS/PP/W2 Environment
- SMS/PP/W3 Work Equipment and
- SMS/PP/V1 Work Related Vehicle Safety

Note: All cleaning and hygiene products must be purchased through the OGP awarded Supplier.

All purchase orders (POs) shall be raised in accordance with the Council's Purchase to Pay policy and procedure on the financial management system, Agresso MS4. The PO must be raised prior to the order for goods or services being placed with the supplier. All POs must include the price, alternatively estimates must be provided if exact pricing is not possible. Details of the quotes received (supplier name & quote) must also be included in the notes area of the PO. Evidence of quotes are required to be uploaded on Agresso MS4 for all requisitions being raised for less than €25,000/€50,000 in the absence of a procurement reference.

Where, following a tender process, a contract or framework has been awarded on an organisation wide basis, all Departments shall place orders for such goods or services with the preferred 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.

Fragmentation is the splitting up of similar works/services to circumvent or avoid formal tendering processes. Examples include subdividing professional services for individual projects. Under no circumstances should orders be sub-divided or fragmented so as to avoid application of National or EU procedures. Procurement will have final determination on fragmentation.

A realistic estimate of the value of all phases of the goods/service/works to be procured is essential as this will determine the rules applicable to the procurement procedure and is important for budgeting purposes. When valuing a contract in order to ascertain the applicable procurement procedure Meath County Council must make a genuine pre-estimate of the contract value at the date of publication of the Contract Notice, exclusive of VAT, taking into consideration the entire term of the contract i.e. including all extensions and options. Where a project or purchase involves separate lots, the values of all lots must be included in estimating the value of the contract.

Care should be taken to ensure tender documents are complete, relevant, proportionate to the need and fit for purpose. 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. Procurement have a suite of LGMA approved template documentation for tendering at National level which should be used where possible.

For further information please refer to **DPER Circular 10/14: Initiatives to assist SMEs in Public Procurement.**

### 1.3 Role of Procurement Unit

The Procurement Unit was established under the guidance of the Procurement Officer to have a dedicated in-house resource for the organisation to ensure that all employees are supported when undertaking the complex task of Public Procurement. Formal responsibility for Procurement is assigned to the Head of Finance.

The role of the Procurement Unit is:

- Promote, support and guide the organisation in all Procurement related activities
- Be the final arbitrator of Procurement decisions
- Promote best practice procurement across the organisation
- Ensure compliance with public procurement requirements, where possible
- Manage collaborative procurement opportunities
- Explore savings initiatives/strategies
- Assist with pre-tendering sourcing and post tender administration including evaluation of tenders where required
- Agresso MS4 approval activities including issuing of annual Procurement References
- General queries, advice and training including support with online portals
- Preparation and distribution of regular reports
- Reviewing, uploading and administration of tenders on e-Tenders
- Assisting with tender evaluations where required
- Maintain a tender register of all competitions published by Meath County Council on all portals
- Management of centralised contracts for the organisation
- Technical support and management of Lighthouse card system

## 1.4 Role of Departments

Individual Departments are responsible for sourcing their requirements while operating within best practice and complying with relevant legislative, regulatory and policy requirements.

The Procurement Unit will support Departments with the planning and development of appropriate procurement strategies and preparation of relevant documents for use in procurement of goods/services/works.

Each Department is required to notify the Procurement Unit when planning to purchase supplies, services or works with a **value in excess of €25,000/€50,000** (whether in a single transaction or over the term of a contract), or intend to establish and operate a framework agreement, panel or service concession agreement.

Where Departments have engaged consultants to prepare draft tender documents, adequate time should be allowed for the documents to be reviewed by the Procurement Unit prior to the request to upload to e-Tenders. Documents must not contain and be free of branding or 3<sup>rd</sup> party logos and formatting of headers and footers, acknowledgement of consultant's input can be made discretely. The use of product brand names in tender documents is not permitted under procurement legislation. Using the term "or equivalent" needs to be discouraged. Product specifications need to be broad and open to prevent artificial narrowing of the market/supply chain.

Upon completion of the evaluation process, that the Procurement Unit have not been involved in, a copy of the tender evaluation and any other relevant information must be submitted to the Procurement Unit for review prior to notifying tenderers of the outcome of the evaluation process.

The execution and management of a contract or framework is the responsibility of the individual Department or designated staff member. Continual proactive contract management is essential to ensure that optimal service levels are achieved.

# SECTION 2

## PUBLIC PROCUREMENT RULES



## 2.1 Regulatory Environment

Meath County Council's Procurement policies and procedures are governed by:

- EU Directives
- National Legislation
- Public Procurement Policy / Guidance / Circulars
  - **National Public Procurement Policy Framework Jan 2018**
  - **DPER Circular 10/2014:** Initiatives to assist SMEs in Public Procurement.
  - **DPER Circular 16/2013:** Revision of arrangements concerning the use of Central Contracts put in place by the Office of Government Procurement (OGP)
- Case law at European and National level

The requirements set out in the 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 public procurement websites: [www.etenders.gov.ie](http://www.etenders.gov.ie) and [www.procurement.ie](http://www.procurement.ie).

EU and National regulatory bodies such as the Office of Government Procurement (OGP) monitor and report on the procurement activities of Public Bodies. At a sectoral level the Local Government Strategic Procurement Centre (LGSPC) regularly review procurement in each Local Authority and report directly to a Local Government Management Agency (LGMA) Procurement Programme Board.

## 2.2 EU Public Procurement Principles

The awarding of contracts by Public Bodies is subject to the principles of the Treaty of Rome. These principles apply to **all** procurements irrespective of value.

### Transparency:

- Being open and transparent about the procurement process
- Advertise and communicate purchasing intentions, e.g. e-Tenders
- Providing clarifications to ALL interested parties during the tender process
- Communication and publication of award of contract notices

Breaches of Transparency would include failing to advertise contracts and/or failing to let the prospective tenderers know about key aspects of the competition such as the award criteria.

### Equal Treatment and Non-Discrimination:

- Applying the same rules to all
- Giving everyone the same rights of access
- Making objectively fair decisions
- Treating all equally irrespective of nationality, i.e. EU, EEA and GATT countries

Breaches of Equal treatment would include accepting offers which do not conform to the specification, or by changing the award criteria during competitions without advising “the market.

### **Proportionality:**

- Ensuring that all requirements are necessary and appropriate in relation to the contract.
- Ensuring that no excessive or disproportionate conditions, criteria or rules are applied.

Breaches of proportionality could include insisting on excessive financial requirements such as company turnover, bonds/guarantees or requiring unnecessary previous experience. This principle has particular relevance for the Small and Medium Enterprise (SME) sector.

### **Mutual Recognition:**

- Professional Qualifications from other jurisdictions to be recognised
- Standards and Specifications – use as a reference only and must be accompanied by the phrase ‘or equivalent’.

Breaches of mutual recognition could consist of unfairly excluding company/person from the tender process because they do not manufacture to a certain standard or by refusing to recognise their qualifications.

The Procurement Unit should be consulted if clarification is required regarding the application of the above principles to a procurement activity.

## **2.3 Central Government Procurement**

### **2.3.1 Office of Government Procurement (OGP)**

The Government set up the OGP to ensure the Public Sector operates in a co-ordinated and efficient way and delivers sustainable savings for the Government and in turn the taxpayer. The OGP commenced operations in 2014 and together with four key sectors (Health, Defence, Education and Local Government) has responsibility for sourcing all goods and services on behalf of the Public Sector. In addition, the OGP have responsibility for developing and implementing national procurement policy and procedures.

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. This is in line with best practice in the public and private sector and is part of the continuing reform programme being driven by the Department of Public Expenditure and Reform.

### **2.3.2 DPER: Circular 10/2014**

The Department of Public Expenditure and Reform issued Circular 10/2014 in April 2014 to assist SME's (Small Medium Enterprises) participation in Public Procurement and it sets out

a number of requirements for Public Bodies. This document **must be** consulted prior to undertaking procurement activities.

### **2.3.3 DPER Circular 16/2013**

Revision of arrangements concerning the use of Central Contracts put in place by the National Procurement Service, Office of Government Procurement. Public Bodies should encourage and promote the use of central frameworks. It is Government policy that Public Bodies, where possible, should make use of all such central arrangements.

### **2.3.4 Capital Works Management Framework (CWMF) 10/2018**

The CWMF contains a suite of guidance, standard contracts and generic template documents which apply to work and works related services as set out in Circular 06/2010. Since August 2018 the threshold has increased when using the Short Works Contracts (PW-CF6) from €500,000 to €1,000,000 as per circular 10/2018.

### **2.3.5 FIN Circular 07/2012**

Government Policy requires Public Sector bodies, to publish all purchase orders greater than €20,000, with the intention to enhance the transparency of Public Sector procurement. This commitment was reiterated in the Public Sector Reform plan.

POs in Meath 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.

### **2.3.6 Model Publication Scheme FOI 2014**

Section 8 of the Freedom of Information Act 2014 requires FOI bodies to prepare and publish a scheme concerning the publication of information by the body in conformity with a model publication scheme or guidelines made by the Minister. This allows for the publication or giving of records outside of FOI provided that such publication or giving of access is not prohibited by law. The Minister is of the view that FOI bodies should publish as much information as possible in an open and accessible manner on a routine basis outside of FOI, having regard to the principles of openness, transparency and accountability as set out in Sections 8(5) and 11(3) of the Act.

The Minister has made the model scheme which is fully in compliance with Section 8 of the FOI Act for adoption by all FOI bodies. The scheme commits FOI bodies to make information available as part of their normal business activities in accordance with the scheme. Publication of documents which are not exempt under the Scheme is in line with the intention of the Directive on the Re-use of Public Sector Information, and the obligation under that Directive to publish information and ensure that it is accessible and re-usable for commercial and non-commercial purposes.

## 2.4 Local Government Procurement

The Local Government Strategic Procurement Centre (LGSPC) based in the Local Government Management Agency (LGMA) provides strategic procurement advice and assistance in relation to procurement across the Local Government Sector. The purpose of the LGSPC is to oversee the reform of procurement across the Local Government Sector; participate meaningfully on the structures of the OGP and ensure that the sector is represented in the Category Councils and Sourcing Teams that are established to oversee the procurement of goods and services. There is a full-time compliance and support officer overseeing all activities in Local Government.

The Local Government Operational Procurement Centre (LGOPC) based in Kerry County Council provides an operational procurement function for the Local Government Sector. The LGOPC provides a lead role for the public service in the management of two categories: Plant Hire and Minor Works/Civils. The work of the LGOPC is overseen by the LGSPC.

The LGOPC supports the Supplygov.ie website, which is used to facilitate the operation of specified frameworks and Dynamic Purchasing Systems (DPS), e.g. hire of plant, equipment and purchase of materials and products. The website allows for Local Authorities to run 'mini competitions' with qualified suppliers for plant hire and services such as plumbers, electricians and minor works etc.

## 2.5 Thresholds, Advertising and Quotations

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

### 2.5.1 Calculating Contract/Tender Values

The following guidelines should be used by Departments in calculating the value of proposed contracts:

- Estimated value is based on the total amount payable (excluding 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
- Subdivision of requirements are not allowed, where it would maintain the contract value below EU or National Thresholds.
- The aggregated value of the total contract is to be calculated, not individual Departments values, where within the organisation individual contracts are awarded for the same goods/service during the same period
- Within 20% of the threshold, Departments should use upper threshold procedure

**EU Thresholds** (exclusive of VAT), applicable from 01 January 2020

| <b>Works</b>                              |            |   |
|---|------------|---|
| Contract Notice                           | €5,350,000 | Threshold applies to Government Departments and Offices, Local and Regional Authorities and other Public Bodies |
| <b>Supplies and Services</b>              |            |   |
| Contract Notice                           | €214,000   | Threshold applied to Local and Regional Authorities and Public Bodies outside the Utilities sector              |
| <b>Utilities</b>                          |            |   |
| Works Contracts / Prior Indicative Notice | €5,350,000 | For entities in Utilities sectors covered by GPA (Government Procurement Agreement)                             |
| Supplies and Services                     | €428,000   | For entities in Utilities sectors covered by GPA  |

### 2.5.2 Advertising on e-Tenders

Public Bodies are required to advertise on the e-Tenders website ([www.etenders.gov.ie](http://www.etenders.gov.ie)) as the main method of advertising tender competitions using request for tender notices (RFT), prior information notices (PIN) and contract award notices (CAN). Award notices must be published for all contracts over €25,000/€50,000. There is no further requirement or obligation to supplement e-Tenders advertising with advertising in other media such as local or national print media.

### 2.5.3 Quotations

Meath County Council guidance is that one written quotation is required for items less than €2,500, provided the staff member is satisfied that the price is reasonable and that the Council is getting value for money. A minimum of three written quotations are required for greater than €2,500.

Proof of quotes received are required on Agresso MS4. These must be attached and a requisition will not be approved unless they are included. One quote is required for under €2,500 and a minimum of three will be required for up to €25,000 for services and supplies and €50,000 for works and work-related services. For quotes of value in excess of €10,000, it is advisable to use the Quick Quotes module on e-Tenders.

## 2.6 Choice of Procedure and Timescales

The choice of public procurement procedures and prescribed timescales which can be used depends on the nature and value of the proposed procurement; there are four main types of procedures:

1. Open Procedure
2. Restricted Procedure
3. Competitive Dialogue
4. Competitive Procedure with Negotiation

### 2.6.1 Open Procedure

This is a one stage process where the Contracting Authority advertises a request for tender (RFT) to which any interested parties may submit a tender. Information on tenderers suitability (financial/economic and technical/professional capacity) is sought in addition to proposals to meet the specification of requirements. Where there are minimum suitability requirements, they must be clearly set out to avoid unsuitable tenderers incurring the expense of preparing and submitting tenders.

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

- Supplies/General Services - between €25,000 and €134,000
- Works related Services - between €50,000 and €214,000
- Works - between €50,000 and €250,000

### 2.6.2 Restricted Procedure

This is a two-stage process:

Stage one commences when the Contracting Authority advertises an expression of interest (EOI) to which any interested parties may submit a response. The EOI seeks information in relation to suitability (financial/economic and technical/professional capacity).

Stage two commences when the Contracting Authority issues a request for tender (RFT) only to those who have been successfully evaluated at stage one. Candidates are then shortlisted and the RFT documentation are issued directly to those shortlisted candidates via e-Tenders.

### 2.6.3 Competitive Dialogue

This is a multi-stage process which may be undertaken at the discretion of the Contracting Authority, especially in cases of **particularly complex** (in relation to financial legal or technical solutions) contracts where the use of the open or restricted procedures would not allow for successful award of a contract. This procedure may also be used when the open or restricted procedures fail to yield any compliant tenders.

The various stages of the process are:

- Invite expressions of interest (pre-qualification)
- Dialogue
- Request for Tender

### 2.6.4 Competitive Procedure with Negotiation or Negotiated Procedure

This is a multi-stage process which may only be used in very limited circumstances where it is not possible to establish specifications with sufficient precision to permit the award of a contract using the open or restricted procedures. This procedure may also be used for Non-Priority Services and Service Concessions because they are not subject to restriction on the choice of procedures.

The various stages of the process are:

- Invite expressions of interest (pre-qualification)
- Request for Tender
- Negotiation meetings
- Submission of “Best and Final Offers”

The Procurement Unit must be consulted when deciding on which of the four procurement procedures is to be used in conjunction with the threshold values contained in **Table 1** and **Table 2** of this document.

### 2.6.5 Timescales

Minimum timescales apply depending on the procurement procedure used. They are calculated in **calendar days** and are set out below for National Tenders and European Tenders. Response deadlines will not be set for a Friday but will be extended to the next working day to allow the tenderers the weekend to finalise their responses.



| <b>NATIONAL TENDERS</b>     | <b>Receipt of Expressions of Interest</b> | <b>Receipt of Tenders</b> |
|-----------------------------|---|---------------------------|
| <b>Open Procedure</b>       | N/A                                       | 21 days min               |
| <b>Restricted Procedure</b> | 21 days                                   | 21 days min               |



| <b>EUROPEAN TENDERS<br/>OJEU</b>   | <b>Receipt of Expressions of Interest</b> | <b>Receipt of Tenders</b> |
|--|---|---------------------------|
| <b>Open Procedure<br/>(RFT docs loaded on e-Tenders, accepted by electronic means)</b> | N/A                                       | <b>30 days</b>            |
| <b>Restricted<br/>(RFT docs loaded on e-Tenders, accepted by electronic means)</b>     | <b>30 days</b>                            | <b>30 days</b>            |
| <b>Competitive Dialogue<br/>(notice loaded on e-Tenders)</b>                           | <b>30 days</b>                            | <b>10 days min</b>        |
| <b>Negotiated Procedure<br/>(notice loaded on e-Tenders)</b>                           | <b>30 days</b>                            | <b>10 days min</b>        |
| <b>Contracts awarded within framework agreements<br/>(Mini Tenders)</b>                | N/A                                       | <b>10 days min</b>        |



## 2.7 CPV Codes

CPV (Common Procurement Vocabulary) Codes is the primary coding system relating to the categorisation of contracts. The Contracting Authority must select the correct CPV codes (several may be used) appropriate to the subject matter of the contract advertised, so that registered suppliers are notified of the competition. CPV codes define the type of contract and must be entered on e-Tenders. CPV codes can be summarised as follows:

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

## 2.8 Award of Contracts and Successful/Unsuccessful Letters

The Remedies Directive (2007/66/EC) and relevant Irish Regulations, provide that the Contracting Authority may not conclude an EU value contract within the statutory standstill period. The Regulations provide that the standstill period is 14 calendar days, if notified electronically, or 16 calendar days if notified by post. The time starts from the day after the issuing of communication notices to tenderers. The notice must advise of the standstill period and the reasons for the award of the contract.

Procurement have a suite of template letters that may be utilised to notify tenderers. Case precedence (*RPS vs Kildare County Council*) has been clearly defined regarding the requirements and standard of the information to be provided in the letters issued to the unsuccessful tenderers. The unsuccessful letter must include the name of the successful tenderer, contract value, scoring information and a summary of the reasons for the unsuccessful tender being rejected, by comparison with features and characteristics of the successful tenderer and against the various award criteria.

Inadmissible letters, if being issued, must include the name of the successful tenderer and the reason why they are deemed inadmissible. The awarding of the contract to the successful tenderer will be dependent on the provision of the relevant documentation, e.g. Insurance, Tax Clearance etc. The award letter and the unsuccessful letters must be issued on the same day. Procurement must be sent the letters prior to sending to the successful, unsuccessful and inadmissible tenderers.

## 2.9 Contract Award Notices (CANs)

EU Procurement Rules and Circular 10/14 require a contract award notice be published on e-Tenders for OJEU and National contracts/frameworks.

The contract award notice must be published on e-Tenders no later than 30 days after the award of the contract or the establishment of the framework agreement. For framework agreements, the qualifying members must be listed.

Contract award notices for any DPS for plant hire are completed on the SupplyGov portal. On a quarterly basis, the LGOPC issues the CANs on the OJEU.



## 2.10 Cancellation Notices

When a procurement competition is cancelled following advertising, a public notice of the cancellation must be published on e-Tenders. The notice must include the nature of the contract, tender reference number and date and the wording **“Please note this call for competition is now cancelled”**. It should be noted that Meath 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. The Procurement Unit must be notified when and if a tender competition is to be cancelled.

## 2.11 PINs

A Prior Information Notice (PIN) is an early indication to the market of contracts which may be advertised over the coming 12 months. The publication of a PIN provides for shortened timescales in the subsequent tendering process.

The PIN must be published on e-Tenders prior to advertising the RFT for a minimum of 35 days and a maximum of 1 year, in order to activate the use of reduced timescales.

## 2.12 Approved Panels

A panel is a mechanism where a Contracting Authority can qualify suitable applicants for the award of future contracts in certain circumstances.

Approved panels can only be operated where there are multiple requirements for a similar category National Value contracts and where contracts or frameworks cannot be established.

General principles for operating panels are as follows:

- Public advertisement (e-Tenders) on an annual basis
- Use restricted procedure; seek information on suppliers financial and technical capacity
- No limit on numbers to be admitted (no minimum required)
- Additional suppliers can be added at any time
- Request for tenders are to be sought from at least 5 on panel (or relevant number according to contract, tender lists to be selected by:
  - Application of specific criteria
  - Rotation
  - Random selection
  - Combination of all three above
- Notification must be sent to those who failed to gain access and those admitted to the panel
- Use of panel must be documented (tender lists developed and contracts awarded)

## 2.13 Framework Agreements

A competitive tendering 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 advertisement.

- Can be concluded with a single supplier or multiple suppliers (minimum of 3 if multiple)
- Can be used for all value contracts including above EU threshold contracts
- Can last for up to 4 years
- Suppliers access the framework agreement via e-Tenders competition, using Open or Restricted procedure
- No rules on timescales for receipt of tenders under mini competitions
- Once established no additional suppliers can be considered
- Contracts from a Framework Agreement can be for a duration of time which exceeds the lifetime of the Framework Agreement

## 2.14 Service Concessions

A service concession is a grant of rights for the exploitation of land or property to a private company, in return for services or for a particular use. Service concessions are covered by the Concession Directive 2014/23/EU. This directive must be consulted prior to awarding a concession contract.

# 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 Table 1 and Table 2 (appendices) of this document. It is recommended that quotations are requested either using the Quick Quotes facility on e-Tenders or else through the Procurement email. Sufficient time must be given to procurement to review the quotation documents and send them out. The names and email addresses for the companies to be included in the quotation must also be confirmed to Procurement. Template quotation documents are available from Procurement for goods and services.

Departments should ensure that Insurance Cover, Tax Clearance, 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 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.

Meath County Council is required to consider collaborate procurement opportunities with the OGP 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.

Meath County Council is eligible to use most of these framework agreements and/or contractual arrangements. The purchaser 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.

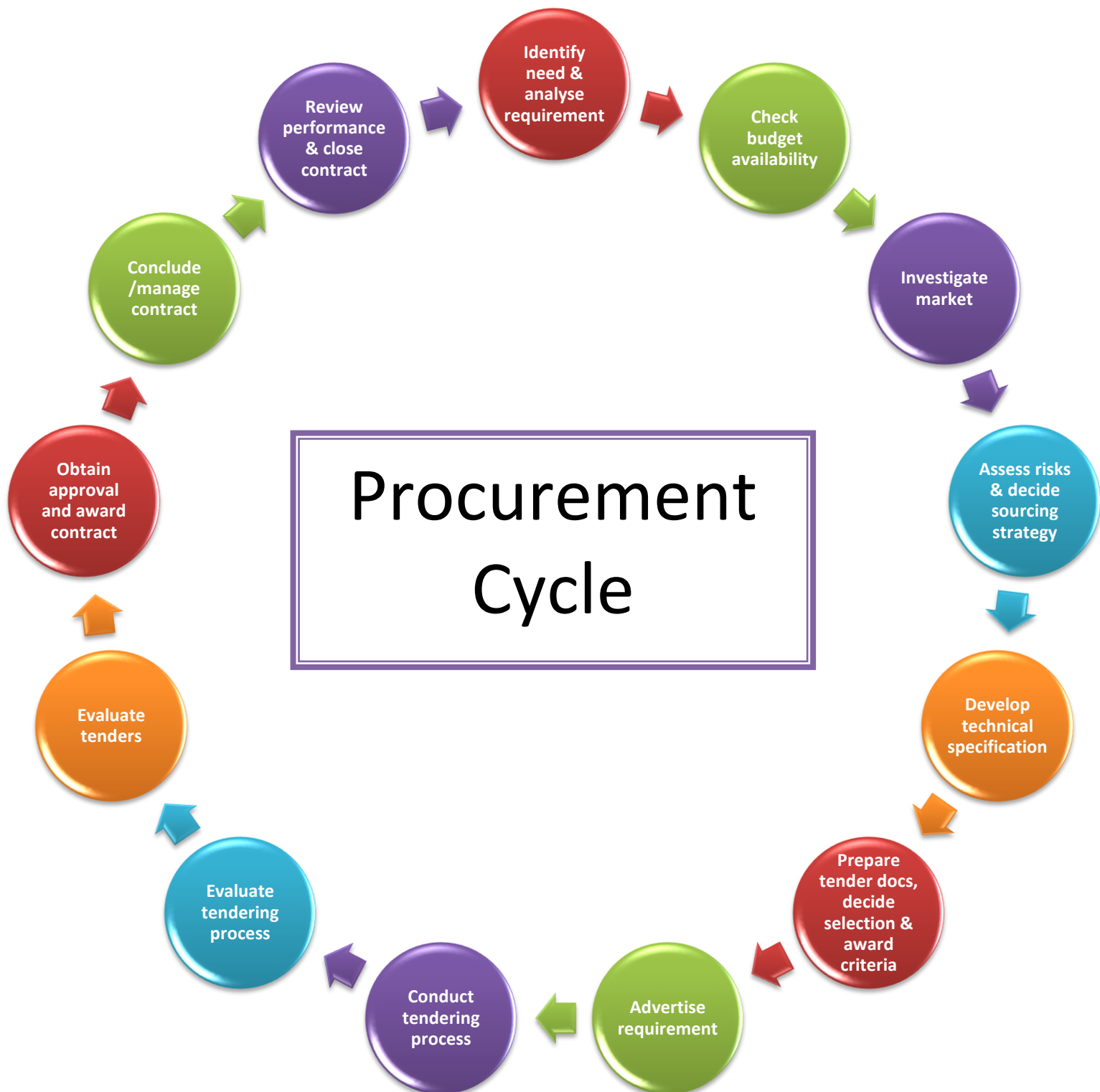
Centralised Purchasing arrangements currently in place in Meath County Council include:

|                                  |                               |
|----------------------------------|-------------------------------|
| Fleet                            | Energy                        |
| Advertising                      | Minor Works & Civils          |
| Plant Hire                       | IT Services and Equipment     |
| Mobile/Landline Communication    | Office Stationery & Equipment |
| Procurement Consultancy Services | Financial Services            |
| PPE                              | Waste Management              |
| Professional Services            |                               |

Procurement should be contacted where there is a requirement for procurement of items within these categories

### 3.3 The Procurement Cycle

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



### **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, the 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.

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 must 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 or phone call however, it is critical that the project managers make themselves aware of the external market environment and supply chain.

Prior Information Notice (PIN) may also be used to investigate the market. This can be done on e-Tenders.

### **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 and proprietary 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/Templates etc.) to be used depending on the nature and value of the procurement project. The suite of template documents for the purchase of supplies and services developed by the OGP and LGMA are to be used, unless otherwise agreed with 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 <https://constructionprocurement.gov.ie/>

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. 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 candidates 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 of Economic/Financial and Technical/Professional, must be proportionate and related to the subject matter of the Contract as per Article 58 (1) of Directive 2014/24/EU.

DEPR 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 issuance of standstill letters. A European Single Procurement Document (ESPD) must be accepted from a tenderer if one is submitted

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.<br><br>Note: generally set at twice the annual value of the contract for goods and services. Works contracts may benefit from a slightly lower threshold. | 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 3/5/7 years | Provide satisfactory previous experience – submit no. of contracts and supporting references in the last 3/5/7 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 |
|---------------------------|--|-----------|

All selection criteria must be passed in order to proceed to evaluation stage.

### 3.10.1 Exclusion from participation in a Public Contract

Article 57 of the Directive 2014/24/EU 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
- Money Laundering
- Bankrupt or subject of bankruptcy proceedings
- 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 need to be set relative to the risk and nature of the contract being awarded.

Public contracts are awarded to the most economically advantageous tender (MEAT). The cost/quality ratio can be up to and including 100% for cost. Cost must include all associated charges for the whole life cycle of the acquisition.

Where cost is the only criterion, no other award criteria can be evaluated.

Regarding 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 / whole life cost (acquisition, operational, maintenance & disposal costs) |                                    |
| Period of completion / programme  | Reliability & continuity of supply |
| Quality, quantity & balance of resources offered                                    | Technical merit                    |
| Environmental / green characteristics   | Functional characteristics         |
| Project plan / methodology  | After sales service                |
| Technical assistance  | Sustainability                     |

## Formula for calculating ultimate cost for Goods & Services

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

Capital Works Management Frameworks (CWMF) documents utilise a range of alternative formulas for calculating costs. These documents should be consulted prior to evaluation of tender prices.

## Possible scoring ranges and rating options

| Rating      | % Scoring Options | Description  |
|-------------|-------------------|--|
| Outstanding | 90-100%           | Outstanding 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 outstanding standard   |
| Excellent   | 80-89%            | Excellent response with very few weaknesses that exceeds requirements and provides comprehensive, detailed and convincing assurance that the Tenderer will deliver to an excellent standard  |
| Very Good   | 70-79%            | 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        | 60-69%            | A good 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        | 40-59%            | 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 (60-69%) is required; failure of a tenderer to achieve the minimum score under any of the criteria will result in elimination from the competition. **When evaluating tenders, if a response meets the requirements then it must receive a mark of 60-69%. Higher marks are awarded where the tender exceeds the requirements and expectations of the CA.**

### 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 and works and work-related service contracts greater than €50,000 must be advertised on e-Tenders. Tender estimates need to be realistic and developed taking into account all factors including whole life cost and total cost of ownership. If a budget estimation comes within 20% of a threshold, the tender should be advertised according the higher threshold procedure i.e. if the estimated budget is €44k for works the tender should be advertised on e-Tenders at a National level.

There are prescribed timescales for advertising tender notices (Section 2.6). A set time period for the submission of clarifications by the tenderer should be built in. As per Directive 2014/24/EU, the latest date for clarification queries is 10 day prior to the closing date of the tender. The latest date for Meath County Council responses to queries is 6 days prior to the response date of the tender.

If any responses are issued after the 6<sup>th</sup> day prior to the closing date, the response date must be extended. This will apply to all tenders being uploaded to the e-Tenders website regardless of their value. In the unlikely event of responses having to be issued within 6 days of the response date there will be an obligation to extend the closing date of the tender. Procurement have a template document available for use when dealing with queries and their responses.

#### 3.12.1 National Tenders advertised on e-Tenders

Meath County Council's policy and best practice for National tenders (below EU Thresholds Section 2.6) 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.

#### 3.12.2 EU Tenders advertised on OJEU (through e-Tenders website)

The EU Directives set the prescribed time periods for OJEU tenders as per section 2.6. The notice for an OJEU level tender will be posted via Tenders Electronic Daily (TED) and will not appear on the e-Tenders portals for a minimum of 24 hours.

#### 3.12.3 Questions and Clarifications

Tenderers must submit questions and clarifications via e-Tenders only. Clarification/information provided in response to a question by a tenderer should be replied to all candidates using the questions and answers facility on e-Tenders. When responding to queries on e-Tenders it is recommended that a document is maintained with all queries and responses and this is updated and distributed as queries arise. A template is available from the Procurement Unit. No other consultation/communication including emails and phone calls should be held with candidates once the tender process is underway (i.e. once the contract notice has been advertised on e-Tenders). This is to ensure the principle of equal treatment is consistently applied.

### **3.12.4 Submission of Tenders**

All tenders are received electronically via the tender box facility on the e-Tenders website. It is recommended that mini-competitions from an existing framework are completed via e-Tenders instead of receiving in paper tender submissions.

Tender closing dates and days should be carefully considered. If the proposed closing date is on a Friday at 5pm, it may be practical to extend this to the following Monday at 12 noon. This is to assist potential tenderers, by providing additional time over the weekend to finalise and submit their tenders. Unless the tender is going to be opened on the Friday afternoon, Procurement recommends that this is considered to promote as much participation in the tendering process by SMEs.

### **3.12.5 Opening and Examination of Tenders**

Tenders that are received electronically via the tender box in e-Tenders must be opened by at least two people. At the time of publishing the tender an opening committee will be set up. The committee should consist of the Project Manager of the tender, an alternative if required and Procurement. Once the response date has passed two people must log on to e-Tenders and open the tenders electronically. Once both parties have opened the tenders, the documents are available to view and download if required. The system retains an audit trail of who opens the tenders and subsequently reviews the documents.

## **3.13 Evaluation of Tenders**

Once the tender box has been opened, the tenders can be downloaded and saved locally for evaluation. It is the responsibility of the Project Manager or nominated person to commence the evaluation process. The evaluation team should consist of at least three people. Conflict of interest declarations should be signed by all members of the evaluation team. The Procurement Unit has a template that must be used for both the Conflict of Interest and Confidentiality.

Tenders must be evaluated objectively and transparently against the published Selection and Award criteria. Objectivity and transparency are best achieved by the use of a scoring system or marking sheet based on the published criteria and weightings (Section 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 justification for the scores given and the relative characteristics and advantages recorded against each tender submission will form the basis of the notification to tenderers. These records are subject to Freedom of Information (FOI) (Section 3.20). Template evaluation sheets are available from Procurement.

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

### 3.14.1 Approval to Award a Contract

A Chief Executive / Approved Officer 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.

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

- E-Tenders or SupplyGov reference
- Title of competition as advertised
- Name and address of successful tenderer
- Details of contract value and duration
- Outline of the tender process used
- Recommendation of evaluation team

If an exact contract value cannot be determined at the outset, an estimated maximum contract value should be provided.

### 3.14.2 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 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 Award criteria are ranked based on scores achieved. Case precedence (*RPS vs Kildare County Council*) has been clearly defined regarding the requirements and standard of the information to be provided in the letters issued to the unsuccessful tenderers. The unsuccessful letter must include the name of the successful tenderer, contract value, scoring information and a summary of the reasons for the unsuccessful tender being rejected, by comparison with features and characteristics of the successful tenderer and against the various award criteria.

The standstill period is 14/16 days and commences the day after the date the email/letter is issued.

### 3.14.3 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 letter) is

provided it may thereby delay the commencement of the standstill period and the subsequent award of contract. The Procurement Unit should be consulted in such cases.

#### **3.14.4 Contract Award Notices**

Procurement will issue the Contract Award Notices (CAN) within 30 days of the contract being awarded. The individual sections must provide the following information to Procurement within this timeframe:

- Name of Successful Tenderer
- Value and duration of Contract
- Date contract was signed
- Number of companies that tendered

#### **3.14.5 Retention of Tender Documents**

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 Concluding Contracts**

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.

### **3.16 Review Performance and Contract Management**

Contract Managers should ensure that all existing contracts are actively managed to ensure the supplier's performance and conformity with the specification of requirements is being adhered to. Any underperformance must be discussed with the supplier and formally recorded if required.



### 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. Where contracts are extended, the signed CE order must be forwarded to Procurement Unit

### 3.18 Non-Competitive Process

Where a procurement process is not possible or feasible, these situations must be discussed with the Procurement Unit as soon as practicable and prior to any new contract or extension being entered into.

### 3.19 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 Meath 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

#### 3.19.1 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.

## **3.20 Freedom of Information (FoI) & General Data Protection Regulation (GDPR)**

### **3.20.1 Freedom of Information in relation to Public Procurement**

Freedom of Information (FOI) legislation applies to a wide range of Public Bodies and information may be requested on records relating to a tendering procedure of a Contracting Authority covered by the FOI Act.

Certain records may be exempt from the provisions of the Act on grounds of confidentiality or commercial sensitivity. Tenderers are normally requested to indicate, with supporting reasons, any information included with their tenders who they wish to be regarded as confidential.

A Contracting Authority's deciding officer 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.

**IMPORTANT NOTE:** Reference to the Freedom of Information Acts should be made in Tender Documentation

### **3.20.2 General Data Protection Regulation (GDPR)**

Data protection law is a legal regime which regulates the seeking and giving of information about an identifiable individual person (referred to as "personal data"). Data protection law sets out the rights of individuals regarding their personal data and the responsibilities of those who seek and use this information. A new Europe wide data protection regime came into place under the GDPR in May 2018.

The GDPR significantly increases the obligations and responsibilities for organisations and businesses on how they collect, use and protect personal data. Under data protection law, a

“data controller” is a person (or business) who determines the purposes for which it seeks personal data and the way in which that personal data is then stored and used (referred to as “processing” of the data). A “data processor” is anyone who processes personal data on behalf of and on the instructions of a data controller and their role can be, for example, to use the personal data in the course of carrying out a service for the data controller.

Further information can be found in the OGP [GDPR Information note](#)

## **3.21 Brexit Related Notes**

### **3.21.1 The purchase of Goods from the UK after Brexit**

Following the UK’s exit from the European Union at the end of the transition period on 31st December 2020, the UK is now considered a “third country” for trade purposes, similar to any other non-EU country, e.g. USA, Australia, China, and goods purchased in Great Britain are treated as imports and subject to customs procedures and duty charges. However, under the Northern Ireland Protocol, Northern Ireland maintains in a unique position of remaining within the EU customs union for the supply of goods, therefore goods purchased from Northern Ireland into Ireland, are not treated as imports and do not incur duty.

Prior to agreeing any single purchase from GB, the onus is now firmly on purchasers to be aware of the new obligations in relation to tariffs, import duties, additional charges etc. It is advisable to purchase from an existing Irish retailer or seek alternative EU based markets. All tender documents must take into consideration prices that are all inclusive.

### **3.21.2 IBP Insurance Requirement after Brexit**

As a result of and in line with IPB’s Brexit Advice November 2020, Tenderers insurers must be listed by the Central Bank of Ireland (CBI) as an authorised insurer for this jurisdiction (Republic of Ireland).

As this is a dynamic situation please ensure the latest information is obtained:

<https://www.gov.ie/en/publication/9a771-brexite-construction-productsregulation/#>

(Construction Product Regulations is available from Dept. of Housing, Local Government & Heritage)

[Brexit \(revenue.ie\)](https://www.revenue.ie)

[Office of Government Procurement – Brexit \(ogp.gov.ie\)](https://www.ogp.gov.ie)

### 3.22 Low Value Purchase Cards (LVPCs) and Lighthouse Card Management System


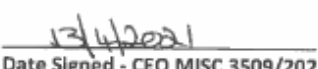
Low Value Purchase Cards are used throughout the organisation by both outdoor and indoor staff for purchases. The purchase to pay procedure states that purchases valued less than €500 must be made using a LVPC where possible. This reduces the volume of low value POs created and the number of low value invoices that are processed.

The Lighthouse Card Management system was introduced to manage the cards for the organisation. Card transactions are shown on Lighthouse within 48 hours of the transaction occurring. All transactions must be fully receipted prior to approval. Receipting includes attaching the receipt, selecting the supplier and updating the transactional codes such as job, product and op codes. Transactions are then approved by the designated approver before they are loaded into Agresso. Using Lighthouse ensures that all job codes are kept up to date as much as possible and spends on budgets are attributed to individual suppliers instead of Ulster Bank.

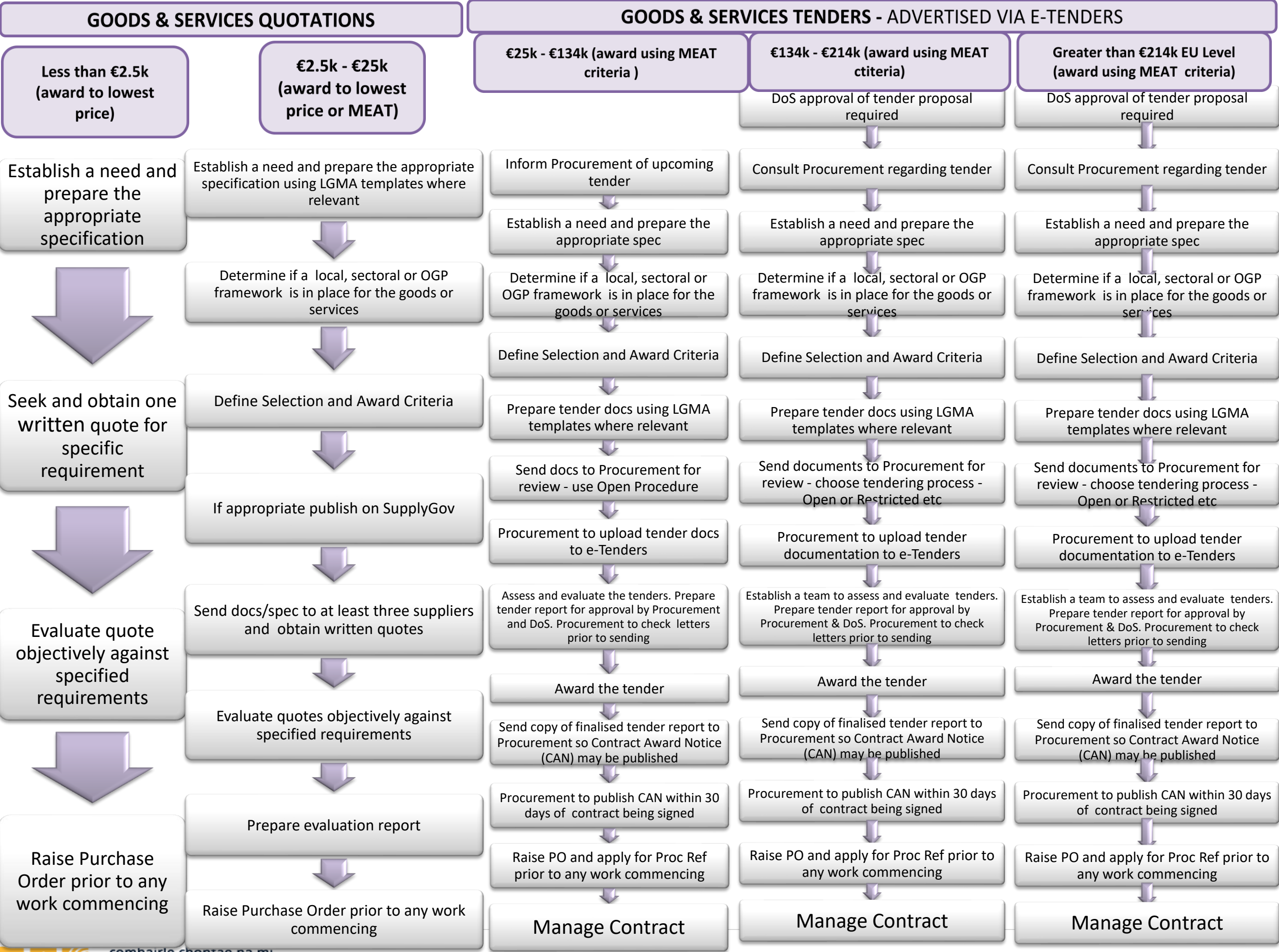
## APPENDICES

## Chief Executive Order CEO MISC 3509/2021

Chief Executive Order CEO MISC 3509/2021 in relation to Meath County Council's Procurement Policy, Procedures and Approval limits

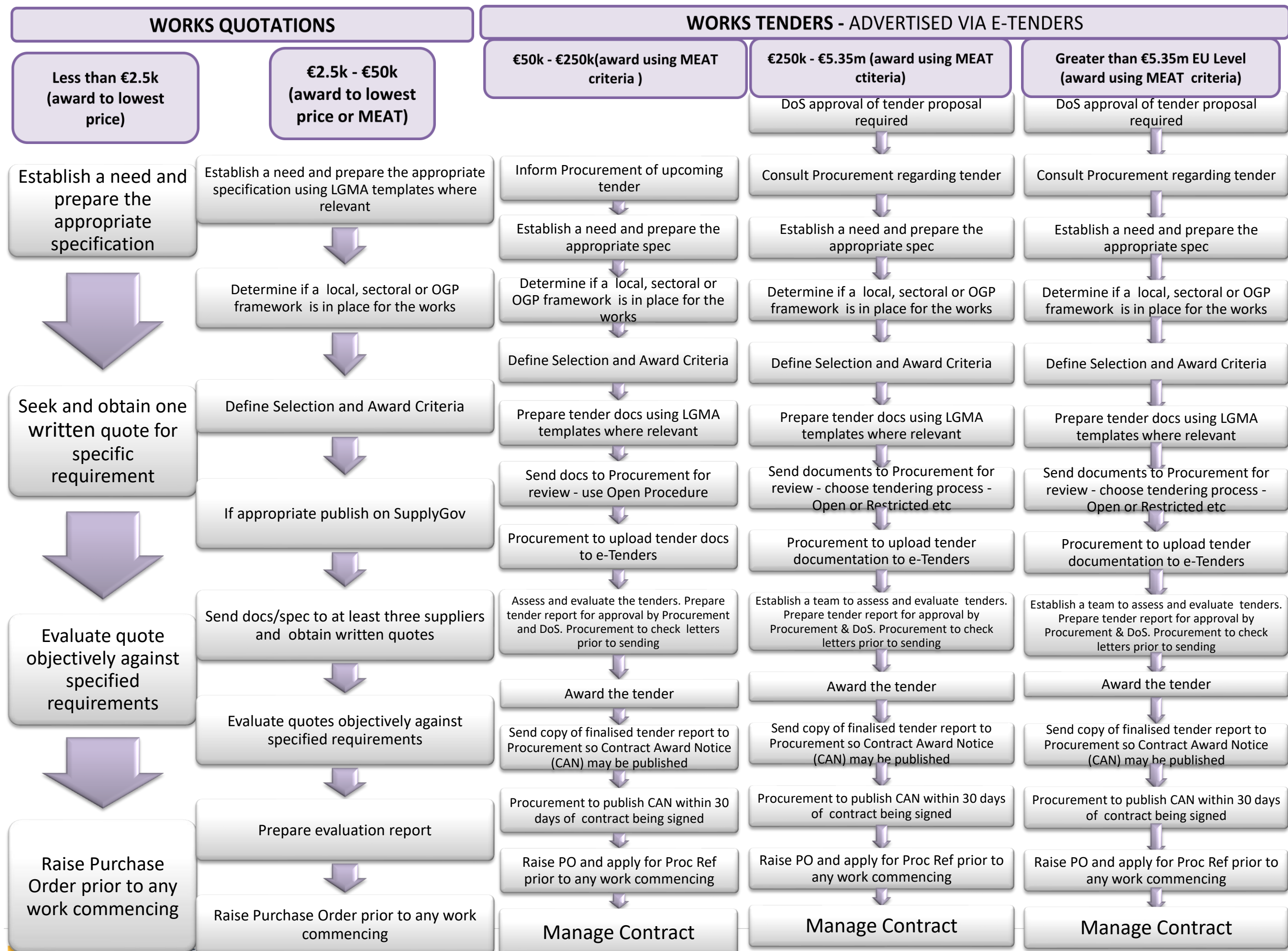
| Meath County Council - Chief Executive Order                  |   |                |                          |   |              |  |               |   |               |   |               |                      |                |                 |                |
|---|---|----------------|--------------------------|---|--------------|--|---------------|---|---------------|---|---------------|----------------------|----------------|-----------------|----------------|
| Ref Number  | CEO MISC 3509/2021 (Finance)  |                |                          |   |              |  |               |   |               |   |               |                      |                |                 |                |
| Subject   | Purchase Order Approval Limits  |                |                          |   |              |  |               |   |               |   |               |                      |                |                 |                |
| Submitted   | <p>Recommendation of Adrian Hobbs, Procurement Officer and endorsed by Fiona Lawless, Head of Finance and subsequently approved by the Management Team at a meeting on 30th April 2021.</p> <table border="1"> <thead> <tr> <th>Approver Grade</th> <th>Approval Limit per Order</th> </tr> </thead> <tbody> <tr> <td>Staff Officer, Assistant Engineer &amp; analogous</td> <td>Up to €2,500</td> </tr> <tr> <td>Senior Staff Officer, Executive Engineer &amp; analogous</td> <td>Up to €10,000</td> </tr> <tr> <td>Administrative Officer, Senior Executive Engineer &amp; analogous</td> <td>Up to €50,000</td> </tr> <tr> <td>Senior Executive Officer, Senior Engineer &amp; analogous</td> <td>Up to €75,000</td> </tr> <tr> <td>Director of Services</td> <td>Up to €500,000</td> </tr> <tr> <td>Chief Executive</td> <td>Above €500,000</td> </tr> </tbody> </table> | Approver Grade | Approval Limit per Order | Staff Officer, Assistant Engineer & analogous | Up to €2,500 | Senior Staff Officer, Executive Engineer & analogous | Up to €10,000 | Administrative Officer, Senior Executive Engineer & analogous | Up to €50,000 | Senior Executive Officer, Senior Engineer & analogous | Up to €75,000 | Director of Services | Up to €500,000 | Chief Executive | Above €500,000 |
| Approver Grade  | Approval Limit per Order  |                |                          |   |              |  |               |   |               |   |               |                      |                |                 |                |
| Staff Officer, Assistant Engineer & analogous                 | Up to €2,500  |                |                          |   |              |  |               |   |               |   |               |                      |                |                 |                |
| Senior Staff Officer, Executive Engineer & analogous          | Up to €10,000   |                |                          |   |              |  |               |   |               |   |               |                      |                |                 |                |
| Administrative Officer, Senior Executive Engineer & analogous | Up to €50,000   |                |                          |   |              |  |               |   |               |   |               |                      |                |                 |                |
| Senior Executive Officer, Senior Engineer & analogous         | Up to €75,000   |                |                          |   |              |  |               |   |               |   |               |                      |                |                 |                |
| Director of Services  | Up to €500,000  |                |                          |   |              |  |               |   |               |   |               |                      |                |                 |                |
| Chief Executive   | Above €500,000  |                |                          |   |              |  |               |   |               |   |               |                      |                |                 |                |
| Order   | By the powers conferred on me under Section 151 of the Local Government Act, 2001, as amended by the Local Government Reform Act, 2014, I hereby order the contents of this recommendation in respect of the Approval Limits to be adhered to in regard to the purchase of supplies, services and works and to be renewed bi-annually or at the request of the Management Team  |                |                          |   |              |  |               |   |               |   |               |                      |                |                 |                |
| Signed By   | <br>Chief Executive - CEO MISC 3509/2021 (Finance)   |                |                          |   |              |  |               |   |               |   |               |                      |                |                 |                |
| Date Signed   | <br>Date Signed - CEO MISC 3509/2021 (Finance)   |                |                          |   |              |  |               |   |               |   |               |                      |                |                 |                |
| Created By<br>Cathal Reilly                                   | Checked By _____<br>CEO MISC 3509/2021 (Finance)  |                |                          |   |              |  |               |   |               |   |               |                      |                |                 |                |

**Table 1**





**Table 2**



# Procurement Process Flow Map

