

Meath County Council Procurement Policy



comhairle chontae na mí
meath county council

January 2022

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1 Introduction

The purpose of this policy is to ensure that procurement throughout Meath County Council is consistent with European and National legislation, policy and guidance. There is an onus on public bodies to ensure that the public procurement function is discharged honestly, fairly and in a manner that secures best value for money.

Procurement in Meath County Council is largely a devolved function, where individual departments are responsible for ensuring their sourcing requirements are met while operating to best procurement practice and compliance with relevant legislative, regulatory and policy requirements.

The Procurement Section is based in the Finance Department and the role of the Section under the guidance of the Procurement Officer is to promote, guide and provide support in respect of procurement activities across the organisation.

All staff engaged in any part of the procurement process should ensure that they adhere to this Policy

2 Definitions

Procurement – the acquisition, whether under formal contract or not, of works, supplies and services. It ranges from the purchase of routine supplies or services to formal tendering and the placing of contracts for large infrastructural projects

Public Contract – a contract, in writing, between economic operators and contracting authorities, having as their objective the execution of works, the supply of products or the provision of services within the meaning of the EU Directives

Work – building / civil engineering design and execution

Supply – purchase, lease or rental of a good or product (e.g. vehicles, IT, stationery)

Service – provision of services (e.g. financial, legal, management consultancy)

Framework Agreement – an agreement between one or more contracting authorities and one or more suppliers which establishes some or all of the terms on which contracts for supplies, works or services can be entered into during the period of the agreement without further advertisement

RFQ – Request for Quotations

RFT – Request for Tenders

Mini-Competition – a competitive procurement process conducted under the terms of a framework agreement

DPS – Dynamic Purchasing System is an electronic process that contracting authorities use to procure commonly available goods, works or services from pre-qualified suppliers. Currently available on SupplyGov for plant hire and road marking supplies and services

3 Purpose & Scope

The purpose of this document is to set out the policy for the procurement of Supplies, Services and Works by Meath County Council and its subsidiaries. It also applies to framework agreements.

The policy sets out the governing principles of best practice in public procurement and the regulatory framework under which public procurement activities must operate. This policy applies to all Meath County Council employees as well as contractors or consultants working for and/or on behalf of Meath County Council.

4 Public Procurement Principles

The Treaty of Rome on the functioning of the 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 publicly.

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 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.

5 Regulatory Framework

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

- EU Directives
- National Legislation and Public Procurement Policy / Guidance
- National Public Procurement Policy Framework
- Public Procurement Guidelines for Goods and Services
- Case law
- All Departmental Circulars in relation to Procurement
 - DPER Circular 10/14: Initiatives to assist SME's in Public Procurement
 - DPER Circular 16/13: Revision of Arrangements concerning the use of Central Contracts put in place by the National Procurement Service

6 Contracting Authority

Chief Executive Order CEO MISC 3509/2021 dated 13th April 2021 sets out the approval levels and associated staff grade and authorisation thresholds. Table 1 - Goods/Supplies & Services Contracts and Table 2 – Works & Related Services Contracts set out the relevant requirements and procedures to be followed under this Policy (**Appendix 1**).

All Council employees are required to obtain appropriate approval in accordance with the provisions of Chief Executive Order CEO MISC 3509/2021 prior to making any formal or informal commitments to suppliers.

Responsibility for compliance with EU Directives, National legislation / guidance and internal policies / procedures rests with all Council staff 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 multiple lower value contracts are not being awarded to circumvent more appropriate approval limits and prescribed procurement threshold values.

Employees are required to ensure that there is appropriate segregation of duties in respect of the requisitioning and approval of purchase orders to suppliers.

7 Business Engagement including Local Enterprise Office and Economic Development

Meath County Council is committed to assisting prospective suppliers to understand the Council's procurement and purchasing processes. In this respect, DPER Cir 10/14 must be consulted prior to undertaking procurement activities. The Circular is aimed at structuring competitive processes for public contracts which facilitates increased participation by SMEs (small and medium enterprises), while continuing to ensure that public sector purchasing is carried out in a manner that is legal, transparent, and secures optimal value for money.

8 Online Portals - E-Tenders and SupplyGov

The e-Tenders procurement website (www.eTenders.gov.ie) has been developed as part of the Irish Government's Strategy for the Implementation of e-Procurement 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. The website also provides functionality during the different stages of the procurement process.

Meath County Council will comply with legislation by publishing tender notices on the e-Tenders 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. The website offers the opportunity to widen the net of potential suppliers. There is no further obligation to supplement e-Tenders advertising with advertising in other media. The new EU directives cover electronic tendering. From October 2018, e-submission has been mandatory for all contracting authorities and all procurement procedures. This means all tenders must be received electronically via the tender box facility on the e-Tenders website.

The Local Government Operational Procurement Centre (LGOPC) based in Kerry hosts the procurement platform SupplyGov. SupplyGov is another portal used for the procurement of goods/services/works. The LGOPC issues new frameworks and DPS's on this portal for use across all Local Authorities.

9 Collaborative Procurement/ Office of Government Procurement (OGP)

Meath County Council employees are expected to use collaborative opportunities during the procurement process whenever available. It is recognised that collaborative procurement can yield financial savings, improved compliance and reduced administration. Meath County Council will work with the Office of Government Procurement (OGP), the Local Government Sector and other Public Bodies to achieve the benefits of collaborative procurement in accordance with national policy. Where collaborative procurement is not used, a detailed explanation will be required.

Collaborative Procurement agreements which Meath County Council is eligible to use must be activated by way of Executive Order approved by the Head of Finance.

10 Corporate Procurement Plan

The Meath County Council's Corporate Procurement Plan 2021 – 2024 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.

11 Procurement Ethics & Related Party Disclosures

All employees involved in procurement activity must act in accordance with the ethical framework contained in the Local Government Act 2001 and the Code of Conduct for Employees. Members of a tender evaluation team should sign a Declaration of Confidentiality and a Conflict of Interest form prior to the tender evaluation process commencing. Employees must disclose any beneficial interest that they or a connected person has in relation to procurement decisions conducted by the employee on behalf of the Council.

12 Freedom of Information and GDPR

FOI applies to Meath County Council. Information may be requested on records relating to a tendering procedure under the Freedom of Information Act 2014. Some records may be exempt under the provisions of the Act on grounds of confidentiality or commercial sensitivity. The Freedom of Information Officer should be consulted where any issue arises.

A new General Data Protection Regulation (GDPR) came into effect on 25th May 2018. This regulation covers all organisations involved in data processing of any sort. The new GDPR emphasises transparency, security and accountability by data controllers and processors while at the same time standardising and strengthening the right of European citizens to data privacy.

13 National Frameworks/Contracts

Frameworks/Contracts have been established at national level by the Office of Government Procurement (OGP) for the procurement of certain items. These include Energy, Advertising, PPE, Stationery, Cleaning Supplies, Travel, Fleet, ICT Consumables, Waste Services etc. It is Government policy that public bodies, where possible, should make use of all such central arrangements, DPER Circular 16/13.

When internal procurement contracts are under consideration for renewal, national contracts / frameworks will be required to be examined accordingly, the use and compliance with the frameworks is mandatory unless there is a compliant, value for money reason, why not using them can be demonstrated.

Full lists of the Frameworks are available on the OGP Webpage: www.procurement.ie. This list should be checked and verified prior to using the frameworks.

14 European Threshold Values

Thresholds (exclusive of VAT) above which advertising of contracts in the Official Journal of the EU is obligatory. Applicable from **1st January 2022**

Works		
Contract Notice	€5,382,000	Threshold applies to Government Departments and Offices, Local and Regional Authorities and other public bodies.
Supplies and Services		
Contract Notice	€140,000	Threshold applies to Government Departments and Offices
Contract Notice	€215,000	Threshold applies to Local and Regional Authorities and public bodies outside the Utilities sector.
Utilities		
Works Contracts / Prior Indicative Notice	€5,382,000	For entities in Utilities sectors covered by GPA (Government Procurement Agreement)
Supplies and Services	€431,000	For entities in Utilities sectors covered by GPA

15 Whole Life Cycle Costs- Awarding Tenders using MEAT Criteria

The EU public procurement directives offer the possibility to award contracts on the basis of the most economically advantageous tender (**MEAT**) criteria. Where the award of contract is based on MEAT, the buyer, must consider the whole life-cycle costs and not just the tendered rate. This allows buyers to take account of various elements relating to the subject-matter of the contract, including, for example quality, technical merit, functional characteristics, running costs, energy efficiency costs, cost effectiveness, after-sales service and technical assistance, maintenance costs, etc. Where appropriate buyers should seek whole life-cycle costing solutions in their tender documents.

16 Company Branding and 3rd Party Logos

Company branding and 3rd party logos are not permissible on tender documentation being uploaded to the online portals. Acknowledgement of 3rd party company/consultancy work will be included where appropriate. Use of pro-forma 3rd party company/consultancy templates/documents is not permissible in the interest of openness and transparency. Due consideration must be given prior to receiving documents from the service provider to avoid unnecessary delay in the publication of tenders.

17 Timescales

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 7 days prior to the response date of the tender.

If any responses are issued after the 6th day prior to the closing date, the 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 7 days of the response date there will be an obligation to extend the closing date of the tender.

18 Receipt of Tenders and Evaluations

All tender submissions must be received in electronically via e-Tenders or SupplyGov. The tender box on e-Tenders must be opened by at least two individuals – the project owner and a member of Procurement. If required, Procurement can assist with tender evaluations.

Prior to issuing notification letters, Procurement must be sent a copy of the letters to ensure the correct information is being given to the suppliers. 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.

19 Non-Competitive Process

The use of the non-competitive process is discouraged. This type of process is not covered by the regulations that govern public procurement and is not considered an appropriate method of complying with Meath County Council objectives.

Where it is not possible to complete a compliant procurement process, the Procurement Unit must be consulted prior to any contract being awarded.

20 Payment Methods

All payments in excess of €500 must be raised using the financial management system Agresso MS4. The purchase order must be raised prior to any work commencing, goods being received or a service completed.

As per the purchase to pay procedure all payments less than €500 must be paid for using the Low Value Purchase Cards where possible. The Lighthouse Card Management system has been implemented for the management of the cards across the organisation.

21 Limits for one quote

National Guidelines outline that single quotes can be obtained from suppliers and service providers for less than €5,000. 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.

22 Documents required for Agresso

When raising a requisition proof of the 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. If a SupplyGov framework is utilised, the MH reference number must be quoted on the QRF in lieu of the quotes received.

23 Environmental/Green Procurement/Social Consideration

Encourage the use of award criteria in tenders that promote sustainable/green procurement through the inclusion of environmental, economic and social criteria in the procurement of supplies, services and works.

To include social considerations in Public Procurement, where feasible, in order to support social policies in relation to employment opportunities, compliance with social and labour rights, social inclusion, equal opportunities and accessibility.

24 Purchase Order Approval Limits

Approver Grades:	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

Appendix 1







