

National Retention Policy for Local Authority Records 2018 - Procurement- approved for use

Functional Heading: Procurement

Sub-Functions	Activities	Retention Recommendation
Policies, Procedures & General Admin	LA specific procurement policy and procedures	Retain until new version is updated (i.e. retain current and 1 previous version) then destroy
	LA specific Corporate Procurement Plan	Retain until new version is updated (i.e. retain current and 1 previous version) then destroy
	National & EU Regulations inc The Public Spending Code published by the CEE unit of DoPER	Retain until new version is updated (i.e. retain current and 1 previous version) then destroy
	Procurement Officers Forum – correspondence with other Procurement Officers plus National Procurement Centre in LGMA	Retain for 2 years the destroy
	Maintaining a register of all contracts including amounts, staff responsible, dates of award and end of contract	Until completion of contract + further 7 years the offer to archivist for periodic sampling.

Sub-Functions	Activities	Retention Recommendation
	Publication of contracts awarded and of tender competitions above €25,000 threshold	Maintain publication on LA website until completion of contract + 7 years then destroy.
	Returns, Reporting on spend	Retain quarterly returns to LGMA for year in question plus further year then destroy
	Legal & professional advice received in relation to a tender competition	Retain along with specific tender competition paperwork and until contract has been delivered in full + a further 7 years Then offer to the archivist. Where no archivist the retain indefinitely. Exceptions being (i) where a legal case has been initiated. In these instances records should be retained until the legal process has been exhausted; and (ii) Sealed Contracts – a sealed contract includes professional indemnity insurance which carries a 12 year statute of limitations
	Contract templates to be used by business units for contracts for Supplies & Services or Works and related services	Retain until new version is updated (i.e. retain current and 1 previous version) then destroy

Sub-Functions	Activities	Retention Recommendation
Local Procurement	Procurement for Supplies & Services or Works (& related services) below the threshold of €5,000	<p>(a) Successful tenders retain evidence of quotation(s) supplied until contract covering supplies & services or works has been delivered in full + a further 7 years. Then offer to the archivist. Where no archivist the retain indefinitely</p> <p>(b) Unsuccessful tenders (where applicable) – retain for two years then destroy.</p>

Sub-Functions	Activities	Retention Recommendation
	Procurement for Supplies & Services with a value between €5,000 and €25,000	<p>a) Successful tenders retain evidence of quotations and/or tender documentation supplied; tender competition documents; contract awards, Budget Holder approval, etc until contract covering Supplies & Services has been delivered in full + a further 7 years. Then offer to the archivist. Where no archivist then retain indefinitely</p> <p>(b) Unsuccessful tenders (of which there should be two) – retain for two years then destroy.</p>
	Procurement for Works (& related services) with a value between €5,000 and €50,000	<p>a) Successful tenders retain evidence of tender documentation supplied; tender competition documents; contract awards, Chief Exec orders, etc until contract covering works & related services has been delivered in full + a further 7 years. Then offer to the archivist. Where no archivist then retain indefinitely</p> <p>(b) Unsuccessful tenders (of which there should be two) – retain for two years then destroy.</p>

Sub-Functions	Activities	Retention Recommendation
	Tender management – receipting and opening of tenders received. Maybe carried out by Corporate services	Retain until contract covering goods & related services or Supplies & Services has been delivered in full + a further 7 years. Then offer to the archivist. Where no archivist then retain indefinitely
	Tender Evaluation Assessment. All documents related to evaluation team assembled to evaluate tender submissions received and complete marking + recommendation	Retain until contract covering goods & related services or Supplies & Services has been delivered in full + a further 7 years. Then offer to the archivist. Where no archivist then retain indefinitely
e-tenders	Procurement for Supplies & Services with a value between the thresholds published every 2 years by the OGP and contained in the OJEU currently at €25,000 and €221,000	<p>a) Successful tender submissions including any pre-qualifying questionnaires - retain tender documentation supplied; tender competition documents; contract awards, Chief Exec orders, etc until contract covering supplies & services has been delivered in full + a further 7 years. Then offer to the archivist. Where no archivist then retain indefinitely</p> <p>(b) Unsuccessful tender submissions– retain for two years then destroy.</p>

Sub-Functions	Activities	Retention Recommendation
	<p>Procurement for Works & related services with a value between the thresholds published by the OGP (currently €50,000 and €5,548,000)</p>	<p>a) Successful tender submissions including any pre-qualifying questionnaires - retain tender documentation supplied; tender competition documents; contract awards, Chief Exec orders, etc until contract covering works & related services has been delivered in full + a further 7 years. Then offer to the archivist. Where no archivist then retain indefinitely</p> <p>(b) Unsuccessful tender submissions– retain for two years then destroy.</p>
	<p>Tender management – receipting and opening of tenders received. Maybe carried out by Corporate services</p>	<p>Retain until contract covering works & related services or Supplies & Services has been delivered in full + a further 7 years. Then offer to the archivist. Where no archivist then retain indefinitely</p>

Sub-Functions	Activities	Retention Recommendation
	Tender Evaluation Assessment. All documents related to evaluation team assembled to evaluate tender submissions received and complete marking + recommendation	Retain until contract covering works & related services or Supplies & Services has been delivered in full + a further 7 years. Then offer to the archivist. Where no archivist then retain indefinitely
	Administration file inc non-competition related correspondence with e-Tenders; set-ups, log in details, site administration etc.	Retain details of staff authorised to access e-Tenders for the length of time they carry out that function plus further 2 years then destroy.
EU Journal (OJEU)	Procurement for Supplies & Services with a value in excess of the current EU Threshold of €221,000	<p>a) Successful tender submissions including any pre-qualifying questionnaires - retain tender documentation supplied; tender competition documents; contract awards, Chief Exec orders, etc until contract covering supplies & services has been delivered in full + a further 7 years. Then offer to the archivist. Where no archivist then retain indefinitely</p> <p>(b) Unsuccessful tender submissions– retain for two years then destroy.</p>

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	Procurement for Works & Related Services with a value in excess of of the current EU Threshold of €5,548,000	<p>a) Successful tender submissions including any pre-qualifying questionnaires - retain tender documentation supplied; tender competition documents; contract awards, Chief Exec orders, etc until contract covering works & related services has been delivered in full + a further 7 years. Then offer to the archivist. Where no archivist then retain indefinitely</p> <p>(b) Unsuccessful tender submissions– retain for two years then destroy.</p>
	Contract Award Notices	<p>Retain until contract covering works & related services or supplies & services has been delivered in full + a further 7 years. Then offer to the archivist. Where no archivist then retain indefinitely</p>

Sub-Functions	Activities	Retention Recommendation
SupplyGov/LA Quotes	Request for quotations (Supplies, Services & Tool Hire)	Retain evidence of quotation(s) obtained from SupplyGov.ie until contract covering supplies & services or works has been delivered in full + a further 7 years. Then offer to the archivist. Where no archivist the retain indefinitely
	Request for Tenders for a framework up to €2million	Retain evidence of tender mini-competition including successful tender documentation organised by SupplyGov on LAs behalf until contract covering goods supplied, services or works has been delivered in full + a further 7 years. Then offer to the archivist. Where no archivist the retain indefinitely
	Request for Tenders for a Dynamic Purchasing System (DPS)	Retain evidence of tender competition including successful tender documentation organised by SupplyGov on LAs by means of a DPS behalf until contract covering supplies & services supplied, or works has been delivered in full + a further 7 years. Then offer to the archivist. Where no archivist the retain indefinitely. Where competition didn't go ahead retain for two years then destroy.
	Administration file including notifications requesting access to Supply Gov	Retain details of staff authorised to access Supply Gov for the length of time they carry out that function plus further 2 years then destroy.
OGP Frameworks	Administration file inc correspondence with the OGP, etc.	Retain details of staff authorised to interact with OGP for the length of time they carry out that function plus further 2 years then destroy.

Sub-Functions	Activities	Retention Recommendation
	Files relating to specific mini-competitions organised by the OGP on behalf of the LA	<p>Retain evidence of tender mini-competition including successful tender documentation organised by OGP on LAs behalf until contract covering goods supplied, services or works has been delivered in full + a further 7 years.</p> <p>Then offer to the archivist. Where no archivist the retain indefinitely</p> <p>Where competition didn't go ahead retain for two years then destroy.</p>
Advising business units on procurement	Administration file relating to correspondence, documents exchanged with specific business units in relation to specific procurement competitions.	<p>Retain evidence of advice provided to business unit holding the budget for the procurement exercise until contract covering goods supplied, services or works has been delivered in full + a further 7 years.</p> <p>Then offer to the archivist. Where no archivist then retain indefinitely</p>
Staff training	Administration file relating to correspondence, documents exchanged with specific business units in relation to in-house training of LA staff in specific procurement competitions.	<p>Details of training delivered to LA staff and who attended provided to training section for recording on Core system.</p> <p>Records of training delivered or organised by the procurement officer to be destroyed after 7 years. Staff training records should all be forwarded to Training section within LA who maintain the primary record of individual staff training</p>
	Procurement Officers training – external training for procurement office staff	Training records retained by procurement officer to be destroyed after 7 years. Staff training records should all be forwarded to Training section within LA who maintain the primary record of individual staff training

Sub-Functions	Activities	Retention Recommendation
LVP	Administration of LVP cards within the LA	Retain for 7 years from the end of each calendar year. Then destroy.
	Issuing of cards	Retain for 7 years from the end of each calendar year. Then destroy.
	Reconciliation of purchases made and card statements	Retain proof of purchase for 7 years from the end of each calendar year (unless purchases were part of EU funded project). Then destroy. Retain card statements for 7 years from the end of each calendar year. Then destroy.
NOAC	Legislation, Guidance notes, Circulars Training etc.	Retain for 5 Years. Then offer to Archivist. If no archivist then retain permanently. Archivist to notify senior manager in business section before taking any decision other than to permanently archive records.
	NOAC Financial Service Reports inc supporting documentation	Retain for 5 Years. Then offer to Archivist. If no archivist then retain permanently. Archivist to notify senior manager in business section before taking any decision other than to permanently archive records.
	NOAC audits	Retain for 5 Years. Then offer to Archivist. If no archivist then retain permanently. Archivist to notify senior manager in business section before taking any decision other than to permanently archive records.

by LGMA on 20th March 2019

Comments

The Public Spending Code published by the CEE unit of DoPER.
EU funded schemes which should be retained to comply with EU fund requirements (i.e.) Article 140 of REGULATION (EU) No 1303/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL. There is an absolute legal requirement to retain all relevant documentation relating to EU funding for a minimum period of 3 years after the closure of the Operational Programme under which the funding was provided and letter issued by EU Court of Auditors to that effect. In relation to funding under EU structural funds please note that as per Article 15(2) of EU Reg No 480/2014 the retention period for EU audit purposes is 30 years. EU retains the right to audit within that period. If a letter issued by the EU Court of auditors signifies the end of the audit process.

Exception being Sealed Contracts – a sealed contract includes professional indemnity insurance which carries a 12 year statute of limitations.

Comments
Circular 10/14 - Initiative to assist SMEs - publising of contract award notices

Comments

The Public Spending Code published by the CEE unit of DoPER EU
(Award of Public Authority Contracts) Regulations, 2016
OGP national Procurement Guidelines <https://ogp.gov.ie>
Issues/disputes to be raised re: award of contracts within 6
months Remedies Directive, 2007/66EC Article 2F and SI
284, 2016 Exceptions are as
follows (i) records relating to contracts where legal
proceedings has been initiated. These specific records are
to be retained until the legal proceedings have been
exhausted; and (ii) where procurement relates to EU funded
schemes/projects should be retained to comply with EU fund
requirements (i.e.) Article 140 of REGULATION (EU) No
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retain all relevant documentation relating to EU funding for a
minimum period of 3 years after the closure of the
Operational Programme under which the funding was
provided and letter issued by EU Court of Auditors to that
effect. In relation to funding under EU structural funds please
note that as per Article 15(2) of EU Reg No 480/2014 the
retention period for EU audit purposes is 30 years. EU
retains the right to audit within that period. If audit a letter
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The Public Spending Code published by the CEE unit of DoPER
EU (Award of Public Authority Contracts) Regulations, 2016
OGP national Procurement Guidelines <https://ogp.gov.ie>

Exception being (i) Sealed Contracts – a sealed contract includes professional indemnity insurance which carries a 12 year statute of limitations; (ii) records relating to contracts where legal proceedings has been initiated. These specific records are to be retained until the legal proceedings have been exhausted; and (ii) where procurement relates to EU funded schemes/projects should be retained to comply with EU fund requirements (i.e.) Article 140 of REGULATION (EU) No 1303/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL. There is an absolute legal requirement to retain all relevant documentation relating to EU funding for a minimum period of 3 years after the closure of the Operational Programme under which the funding was provided and letter issued by EU Court of Auditors to that effect. In relation to funding under EU structural funds please note that as per Article 15(2) of EU Reg No 480/2014 the retention period for EU audit purposes is 30 years. EU retains the right to audit within that period. If a letter issued by the EU Court of auditors signifies the end of the audit process.

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EU (Award of Public Authority Contracts) Regulations, 2016

Relates to tender documentation kept locally. E-tenders cannot be used as document storage system for local authority procurement officers.

Exception being EU funded schemes which should be retained to comply with EU fund requirements (i.e.) Article 140 of REGULATION (EU) No 1303/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL. There is an absolute legal requirement to retain all relevant documentation relating to EU funding for a minimum period of 3 years after the closure of the Operational Programme under which the funding was provided and letter issued by EU Court of Auditors to that effect. In relation to funding under EU structural funds please note that as per Article 15(2) of EU Reg No 480/2014 the retention period for EU audit purposes is 30 years. EU retains the right to audit within that period. If audit a letter issued by the EU Court of auditors signifies the end of the audit process.

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The Public Spending Code published by the CEE unit of DoPER

Thresholds are revised every two years. Full and up to date thresholds can be checked on the EU public procurement website <http://www.simap.ted.europa.eu/>. Exception being EU funded schemes which should be retained to comply with EU fund requirements (i.e.) Article 140 of REGULATION (EU) No 1303/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL. There is an absolute legal requirement to retain all relevant documentation relating to EU funding for a minimum period of 3 years after the closure of the Operational Programme under which the funding was provided and letter issued by EU Court of Auditors to that effect. In relation to funding under EU structural funds please note that as per Article 15(2) of EU Reg No 480/2014 the retention period for EU audit purposes is 30 years. EU retains the right to audit within that period. If audit a letter issued by the EU Court of auditors signifies the end of the audit process.

Exception being (i) Sealed Contracts – a sealed contract includes professional indemnity insurance which carries a 12 year statute of limitations; and (ii) EU funded projects/schemes which should be retained to comply with EU fund requirements (i.e.) Article 140 of REGULATION (EU) No 1303/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL. There is an absolute legal requirement to retain all relevant documentation relating to EU funding for a minimum period of 3 years after the closure of the Operational Programme under which the funding was provided and letter issued by EU Court of Auditors to that effect. In relation to funding under EU structural funds please note that as per Article 15(2) of EU Reg No 480/2014 the retention period for EU audit purposes is 30 years. EU retains the right to audit within that period. If audit a letter issued by the EU Court of auditors signifies the end of the audit process.

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Comments
<p>S.I. No. 284 of 2016 EUROPEAN UNION (AWARD OF PUBLIC AUTHORITY CONTRACTS) REGULATIONS 2016 Framework – As the contracting authority the LA creates the competition and retains the records under which the contract is awarded. Exception would be where under Regulation 84(1) of the Public Contracts Regulations 2015, there is an obligation to create a report on every over-threshold public contract and framework agreement. In these instances SupplyGov will create the required report.</p>
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Comments
<p>Exception being EU funded schemes which should be retained to comply with EU fund requirements (i.e.) Article 140 of REGULATION (EU) No 1303/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL. There is an absolute legal requirement to retain all relevant documentation relating to EU funding for a minimum period of 3 years after the closure of the Operational Programme under which the funding was provided and letter issued by EU Court of Auditors to that effect. In relation to funding under EU structural funds please note that as per Article 15(2) of EU Reg No 480/2014 the retention period for EU audit purposes is 30 years. EU retains the right to audit within that period. If audit a letter issued by the EU Court of auditors signifies the end of the audit process. Please note that currently OGP platform does not currently possess a delete option for contracting authorities. However this is under review.</p>

Comments
<p>Possible exception being EU funded schemes which should be retained to comply with EU fund requirements (i.e.) Article 140 of REGULATION (EU) No 1303/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL. There is an absolute legal requirement to retain all relevant documentation relating to EU funding for a minimum period of 3 years after the closure of the Operational Programme under which the funding was provided and letter issued by EU Court of Auditors to that effect. In relation to funding under EU structural funds please note that as per Article 15(2) of EU Reg No 480/2014 the retention period for EU audit purposes is 30 years. EU retains the right to audit within that period. If audit a letter issued by the EU Court of auditors signifies the end of the audit process.</p>
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