

**Comhairle Contae
Fhine Gall**
Fingal County
Council



Procurement Policy

19th February 2015
(Updated 21st October 2019)

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1. Introduction

Public Procurement comprises the award of contracts (formal or informal) for the purchase of supplies, services and works. These purchases can range from small value transactions through to single major projects and will be obtained on the basis of a contract (which may be in the form of a purchase order) between the Council and third parties.

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 Fingal 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 Unit based in the Corporate Affairs and Governance Department provides co-ordination, support and oversight 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 and the related procedures as set out in the ***Procurement Procedures Manual*** and the ***Agresso Purchasing Guidelines***.

2. Purpose & Scope

The purpose of this document is to set out the policy for the procurement of Supplies, Services and Works by Fingal County Council. It also applies to framework agreements and service concession 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 Fingal County Council employees as well as contractors or consultants working for and/or on behalf of Fingal County Council.

3. 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.

4. Regulatory Framework

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

- EU Directives
- National Legislation and Public Procurement Policy / Guidance
- Case law

These are set out in more detail in the Procurement Procedures Manual.

5. Procurement Governance Structures

The following structures have been established to provide governance in respect of Procurement activity across the organisation.

- Procurement Governance Board
- Procurement Liaison Group
- Procurement Unit

The role of the Procurement Governance Board is to review procurement policy and compliance, agree the procurement initiatives to be pursued and direct the development of appropriate procurement infrastructure.

The role of the Procurement Liaison Group is to develop and support cross-departmental procurement initiatives / activities to ensure best practice procurement and compliance.

The role of the Procurement Unit under the guidance of the Procurement Officer is to provide co-ordination, support and oversight in respect of procurement activities across the organisation.

6. Purchasing Authority

Chief Executive Order **CAG/84/19** dated 7th June 2019 sets out the approval levels and relevant requirements 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 **CAG/84/19** 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

Fingal County Council is committed to helping prospective suppliers to understand the Council's procurement and purchasing processes. In this respect, we are guided by Department of Public Expenditure & Reform Circular 10/14 (Initiatives to assist SMEs in Public Procurement) in its procurement activities. The Circular is aimed at structuring competitive processes for public contracts in a manner that 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. eTenders

The eTenders procurement website (www.eTenders.gov.ie) has been developed as part of the Irish Government's Strategy for the Implementation of eProcurement in the Irish Public Sector. The site is designed to be a central repository for all public sector contracting authorities to advertise procurement opportunities and award notices. The website also provides functionality during the different stages of the procurement process.

Fingal County Council complies with legislation and publish tender notices on the eTenders website, thereby meeting national advertising requirements. The website has the functionality to allow the publication of EU threshold notices which will then be sent to the OJEU automatically. The website offers the opportunity to widen the net of potential suppliers. There is no further obligation to supplement eTenders advertising with advertising in other media.

9. Procurement Engagement

Fingal County Council employees planning to purchase supplies, services or works from a single supplier with a value at or in excess of €25,000 (whether in a single transaction or over the term of a contract), or intend to establish or operate a framework agreement or service concession agreement should notify the Procurement Unit as prescribed in the Procurement Procedures Manual prior to the drafting of request for tender documents.

10. Collaborative Procurement

Fingal County Council employees are expected to consider and use collaborative opportunities during the procurement process whenever available. It is recognised that collaborative procurement can yield financial savings, improved compliance and reduced administration. Fingal 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.

Collaborative Procurement agreements which Fingal County Council is eligible to use must be activated by way of Executive Order approved by the Head of Corporate Affairs and Governance.

Corporate Procurement Plan

The Fingal County Council Corporate Procurement Plan 2016 – 2018 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. Contract Management

All contracts entered into with Suppliers should be in accordance with the Procurement Procedures Manual. The Procurement Unit maintains a register of all contracts which fall within the scope of this policy.

12. Procurement Ethics

All employees involved in procurement activity are bound to act in accordance with 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 Conflict of Interest prior to the tender evaluation process commencing.

13. Freedom of Information

FOI applies to Fingal County Council. Information may be requested on records relating to a tendering procedure under the Freedom of Information Act 2014. 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.

14. Procurement Procedures Manual

The Procurement Procedures Manual is a guide to all employees involved in the purchasing process. It is defined by the Councils Procurement Policy and sets out the various rules, procedures and processes in the procurement cycle, from identifying and specifying a need to awarding a contract that should be followed by all those involved in Procurement activities within Fingal County Council.

Appendix 1: Chief Executive Order – CAG/84/2019

Procurement Governance

This Chief Executive Order sets out to strengthen Procurement Governance in line with Public Procurement requirements and Fingal County Council's Corporate Procurement Plan.

PROCUREMENT OBLIGATIONS

It is the responsibility of each Director of Service / Head of Function to ensure that Public Procurement obligations and the procedures and practices set out in the Fingal County Council Procurement Plan and Procedures Manual are complied with in their area of responsibility.

All staff undertaking procurement activities are required to ensure that their activities are conducted in a manner that is compliant with public procurement obligations and the procedures and practices set out in the Fingal County Council Procurement Plan and Procedures Manual.

COLLABORATIVE PROCUREMENT ARRANGEMENTS

When considering sourcing options, collaborative procurement arrangements are to be used for the purchase of supplies, services and works in the following order:

- National arrangements
- Local Government Sectoral arrangements
- Regional arrangements

Collaborative procurement arrangements established at National, Sectoral or Regional level are to be used once activated by Chief Executive Order of the Director of Corporate Affairs and Governance. The use of collaborative procurement arrangements must be in accordance with the requirements of the relevant framework or drawdown contract. The subsequent awarding of contracts under these arrangements are to be in accordance with the approval limits and requirements as set out below.

Where no collaborative procurement arrangements exist, a collaborative approach must be considered prior to conducting a procurement process in consultation with the Procurement Officer. Any decision to proceed with a local tendering process must be documented and approved by the relevant Director of Services / Head of Function in advance.

REQUIREMENTS FOR THE PURCHASE OF SUPPLIES, SERVICES & WORKS

Request for Quotation (RFQ) Process

Quotations are to be sought using the Quick Quotes facility on eTenders in respect of purchases where the cumulative spend value on similar supplies, services or works across the organisation does not exceed €25,000 (supplies / services) or €50,000 (works).

Request for Tenders (RFT) Process

A tender process in respect of contracts or establishing frameworks valued greater than €25,000 (supplies / services) or €50,000 (works) may only be conducted where a collaborative procurement arrangement is not available or proposed. Approval must be sought from the Office of Government Procurement in consultation with the Procurement Officer prior to publishing a tender on eTenders. Any tender process conducted must be in accordance with the Procurement Procedures Manual.

eProcurement

The publication of all procurement opportunities, issue of tender documents, managing queries and submitting quotations / tender responses is to be conducted on the appropriate eProcurement systems (eTenders/SupplyGov).

Evaluation of Responses

Evaluation of quotations / tender responses must be documented to ensure compliance with Public Procurement requirements.

Chief Executive Orders

Chief Executive Orders in respect of the procurement of supplies, services or works must be in the format set out in the Procurement Procedures Manual.

Contract Award Notices

Each Director of Services / Head of Function is required to ensure Contract Award Notices are published for all contracts in excess of €25,000 as required in accordance with Circular 10/14 and any other legislative requirements. This includes contracts awarded following mini-competitions or drawdowns under collaborative arrangements.

Purchasing Cards

Purchases using purchasing cards must be in accordance with the Low Value Purchase Cards Policy and Guidelines. Payments are to be approved by the appropriate Senior Staff Officer, Executive Engineer or an employee of analogous or higher grade who is not the cardholder.

Procurement Officer

The role of the Procurement Officer is to provide specialist advice, guidance and to monitor and report on compliance with procurement obligations. Departments are required to consult with the Procurement Officer in ensuring that they are meeting their responsibilities to conduct their procurement activities in a manner that is compliant with procurement obligations. All information / documentation required by the Procurement Officer to enable him/her to fulfill their role is to be provided in line with procedures and in a timely manner.

Procurement Pipeline

Each Director of Services / Head of Function is required to produce and maintain a schedule of proposed procurements valued in excess of €25,000. The schedule is to be submitted to the Procurement Unit for the following year by the end of November in the preceding year. The schedule is to be updated on a monthly basis.

Tender Register

Each Director of Services / Head of Function is required to inform the Procurement Unit of all procurements valued in excess of €25,000 to be recorded in the Tender Register. The Tender Register is to be updated on a monthly basis.

Contracts Database

Each Director of Services / Head of Function is required to inform the Procurement Unit of all contracts valued in excess of €25,000 to be recorded in the Contracts Database. The Contracts Database is to be updated on a monthly basis.

Approval Limits and Procedures

The financial limits and procedures in respect of contracts to purchase supplies, services and works (including contract awards arising from mini-competitions under framework agreements or drawdowns under collaborative contracts) are as follows:

Limits ex VAT	Procedures
up to €2,500 (non-recurring purchases only)	<ul style="list-style-type: none">• A minimum of one quotation to be sought using Quick Quotes facility on eTenders.• Approval by Staff Officer or Assistant Engineer or employee of analogous or higher grade.• eTenders RFT ID number to be recorded in the description field on the purchase requisition.
€2,500 to €6,000 (Works, Supplies or Services)	<ul style="list-style-type: none">• A minimum of three quotations to be sought using Quick Quotes facility on eTenders.• Approval by Senior Staff Officer, Executive Engineer or employee of analogous or higher grade.• eTenders RFT ID number to be recorded in the description field on the purchase requisition.• Evaluation report to be completed and attached to purchase requisition except where the evaluation is based on lowest price only.
€6,000- €25,000 (Works, Supplies or Services)	<ul style="list-style-type: none">• A minimum of three quotations to be sought using Quick Quotes facility on eTenders.• Approval by Administrative Officer, Senior Executive Engineer or analogous or higher grade.• eTenders RFT ID number to be recorded in the description field on the purchase requisition.• Evaluation report to be completed and attached to purchase requisition except where the evaluation is based on lowest price only.
€25,000-	<ul style="list-style-type: none">• A minimum of five quotations to be sought using Quick Quotes facility on eTenders.

€50,000 (Works only)	<ul style="list-style-type: none"> Approval by Chief Executive Order signed by Senior Executive Officer, Senior Engineer or analogous or higher grade. eTenders RFT ID number to be recorded in the description field on the purchase requisition. Evaluation report to be completed and retained on file. CE Order to be attached to the purchase requisition in all cases.
€25,000- €50,000 (Supplies or Services only)	<ul style="list-style-type: none"> Tenders to be invited by public advertisement on eTenders in accordance with Public Procurement requirements. Approval by Chief Executive Order signed by Senior Executive Officer, Senior Engineer or analogous or higher grade. eTenders RFT ID number to be recorded in the description field on the purchase requisition. Tender evaluation report to be completed and retained on file. CE Order to be attached to the purchase requisition in all cases.
Over €50,000 (Works, Supplies or Services)	<ul style="list-style-type: none"> Tenders to be invited by public advertisement on eTenders in accordance with Public Procurement requirements. Approval by Chief Executive Order signed by Director of Services / Head of Function. eTenders RFT ID number to be recorded in the description field on the purchase requisition. Tender evaluation report to be completed and retained on file. CE Order to be attached to the purchase requisition in all cases.

Tax Clearance and VAT

All suppliers must be compliant with current Tax Clearance legislation. All amounts described in this Chief Executive Order are **exclusive** of VAT.

Statutory Payments

Statutory payments are not subject to a tendering process but require a Chief Executives Order if in excess of €25,000. Statutory payments of less than €25,000 are subject to the approver limits indicated in this Chief Executive Order.

ORDER: Revised requirements for the purchase of Supplies, Services and Works and the use of Collaborative Procurement Arrangements as set out above are hereby approved. Chief Executive Order CA/48/2016 is hereby rescinded.

7-6-2019.
Date



Chief Executive