



PROCUREMENT POLICY

20th July 2023

1. 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. 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.

It is imperative that Fingal County Council ensures it has suitable policies, procedures and systems in place to ensure compliance, achieve value for money and to manage risks relating to procurement while supporting service delivery. This policy is a statement of the Council's commitment to engage in procurement activities in accordance with Public Procurement requirements.

All employees engaged in any part of the procurement process as well as contractors or consultants working for and/or on behalf of Fingal County Council must ensure that they comply with Public Procurement requirements, Fingal County Council Procurement Policy, Procurement Procedures Manual and Purchase to Pay Manual.

2. Public Procurement Principles & Regulatory Framework

The Treaty of Rome on the functioning of the EU applies to all procurement activities regardless of financial value. The procurement of supplies, services or works must comply with the fundamental procurement principles set out in the Treaty, EU Directives, National Legislation, Government Policy and Guidance where applicable.

3. 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. Declarations of Confidentiality and Conflict of Interest must be completed where appropriate.

4. Corporate Procurement Plan

A Corporate Procurement Plan setting out strategic, organisational and operational objectives in respect of the procurement function must be in place on a continuous basis.

5. Procurement Engagement

All employees planning to purchase supplies, services or works with a value at or in excess of €25,000 must notify the Procurement Officer in advance.

6. Purchasing Authority

All employees must obtain appropriate approval in accordance with the provisions of Chief Executive Order F/0259/23 (Appendix 1) prior to making any formal or informal commitments to economic operators. Responsibility for compliance with Public Procurement requirements and Council policies or procedures rests with each employee.

7. Contract and Records Management

All contractual arrangements entered into for the provision of supplies, services or works must be in accordance with this Policy and employees must ensure accurate records are maintained.

8. Collaborative Procurement

All employees must work to ensure that collaborative procurement arrangements are fully utilised throughout the organisation where appropriate.

9. eProcurement

Electronic procurement systems must be used to their maximum potential. The eTenders portal (www.eTenders.gov.ie) and SupplyGov where appropriate. It is Council policy to seek quotations and tender submissions in electronic format.

10. Sustainable Public Procurement

Fingal County Council is committed to supporting Government Policy on Sustainable Public Procurement. All employees are required to ensure sustainable procurement practices are employed to the maximum extent possible by procuring more environmentally friendly supplies, services and works and help contribute to more sustainable consumption and production.

11. Value for Money

All employees are required to ensure procurement practices are employed to the maximum extent to ensure value for money objectives are achieved. Contracts are to be managed to maximise the potential value achievable during the life of the contract.

12. Business Engagement

Fingal County Council is committed to engaging with prospective suppliers to improve knowledge of the Council's procurement processes and future requirements.

13. Advice and Guidance

Any employee who requires guidance on any aspect of this Policy should consult with their Line Manager in the first instance. Further guidance may be sought from the Central Procurement Unit.

COMHAIRLE CONTAE FHINE GALL

RECORD OF CHIEF EXECUTIVE'S ORDER

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 employees 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 Policy, Corporate 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. Collaborative procurement arrangements established at National, Sectoral or Regional level are to be used once activated by Chief Executive Order of the Head of Finance. Their use must be in accordance with the requirements set out. The subsequent awarding of contracts under these arrangements are to be in accordance with the approval limits and requirements as set out below.

SUSTAINABLE PROCUREMENT

All employees are required to ensure sustainable procurement practices are employed to the maximum extent possible by procuring more environmentally friendly supplies, services and works and help contribute to more sustainable consumption and production.

VALUE FOR MONEY

All employees are required to ensure procurement practices are employed to the maximum extent including but not limited to appropriate needs assessment, specifications, market engagement, risk management, budgetary/ cost considerations, innovation and minimisation of waste to ensure value for money objectives are achieved. Contracts are to be managed to maximise the potential value achievable during the life of the contract.

REQUIREMENTS FOR THE PURCHASE OF SUPPLIES, SERVICES & WORKS**Request for Tenders (RFT)' Process**

A tender process is to be conducted in respect of contracts or establishing frameworks where the estimated value exceeds €50,000 (supplies / services) or €200,000 (works) provided where a suitable collaborative procurement arrangement is not available. Any tender process conducted must be in accordance with the Procurement Procedures Manual.

Request for Quotation (RFQ) Process

Quotations are to be sought in each Department by email for individual purchases up to €25,000 excl. VAT and by the Central Procurement Unit using the eRFQ facility on eTenders where the individual purchase or the cumulative spend value on similar supplies, services or works across the organisation the value is in the range €25,000 to €50,000 (supplies/ services) or €200,000 (works) excl. VAT.

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 excl. VAT	Procedures
up to €3,000 (non-recurring purchases of supplies only)	<p>A minimum of <u>one</u> quotation to be sought using FCC email facility.</p> <p>Approval by Staff Officer or Assistant Engineer or employee of analogous or higher grade.</p> <p>Relevant eRFQ quotation acceptance form and associated details of the quotation to be attached to the purchase requisition.</p>
up to €6,000 (non-recurring Services or Works)	<p>A minimum of <u>one</u> quotation to be sought using FCC email facility.</p> <p>Up to €3,000 - Approval by Staff Officer or Assistant Engineer or employee of analogous or higher grade.</p> <p>Up to €6,000 - Approval by Senior Staff Officer or Executive Engineer or employee of analogous or higher grade.</p> <p>Relevant eRFQ quotation acceptance form and associated details of the quotation to be attached to the purchase requisition.</p>
€3,000-€25,000 (Supplies)	<p>A minimum of <u>three</u> quotations to be sought using FCC email facility.</p>

CE Order Reference F/0259/2023

<p>€6,000-€25,000 (Services or Works)</p>	<p>Up to €10,000 - Approval by Senior Staff Officer or Executive Engineer or employee of analogous or higher grade.</p> <p>Up to €25,000 - Approval by Administrative Officer, Senior Executive Engineer or analogous or higher grade.</p> <p>Relevant eRFQ quotation acceptance form and associated details of the quotation to be attached to the purchase requisition.</p>
<p>€25,000-€50,000 (Services or Supplies)</p>	<p>A minimum of three quotations to be sought using eRFQ facility on eTenders by CPU.</p> <p>Approval by Chief Executive Order signed by Senior Executive Officer, Senior Engineer or analogous or higher grade. (drafted by CPU)</p> <p>Relevant eRFQ quotation acceptance form and associated details of the quotation to be attached to the purchase requisition.</p> <p>CE Order to be attached to the purchase requisition in all cases.</p>
<p>€25,000- €200,000 (Works only)</p>	<p>A minimum of five quotations to be sought using eRFQ facility on eTenders by CPU.</p> <p>€25,000-€50,000 - Approval by Chief Executive Order signed by Senior Executive Officer, Senior Engineer or analogous or higher grade. (drafted by CPU)</p> <p>€50,000-€200,000 - Approval by Chief Executive Order signed by Director of Services / Head of Function. (drafted by CPU)</p> <p>Relevant eRFQ quotation acceptance form and associated details of the quotation to be attached to the purchase requisition.</p> <p>CE Order to be attached to the purchase requisition in all cases.</p>
<p>Over €50,000 (Supplies or Services) Over €200,000 (Works)</p>	<p>Tenders to be invited by public advertisement on eTenders in accordance with Public Procurement requirements.</p> <p>Approval by Chief Executive Order signed by Director of Services / Head of Function. (drafted by CPU)</p> <p>CE Order to be attached to the purchase requisition in all cases.</p>

Chief Executive Orders

CE Orders in respect of procurements and contract modifications where the contract value is €25,000 or greater are to be prepared by the Central Procurement Unit and contain the relevant Procurement References (PAMS ID) for transparency and audit trail.

Contract Award Notices

Each Director of Services / Head of Function is to ensure details of all contractual arrangements entered into where the value is €25,000 or greater are immediately provided to Procurement Officer who will ensure publishing of award notices in accordance with Circular 05/23 and any other legislative requirements.

Annual Procurement Plan

Each Director of Services / Head of Function is required to produce an annual schedule of proposed procurements where the value is €25,000 or greater for the following years Annual Procurement Plan. The schedule is to be submitted to the Procurement Officer by the end of December. Monthly updates to the Annual Procurement Plan are to be provided to the Procurement Officer for the monthly Management Report.

Tender Register/ Contracts Database

The Procurement Officer is required to record all procurements valued €25,000 or greater in the Tender Register and any subsequent contracts awarded in the Contracts Database.

Procurement Officer / Central Procurement Unit

The role of the Procurement Officer/ Central Procurement Unit is to provide procurement services for all departments including specialist advice, engagement of procurement consultants where required, monitor and report on procurement performance. All employees are required to consult with the Procurement Officer where necessary 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 as required in a timely manner.

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).

Agresso MS4

Procurements are to be recorded on Agresso MS4 in line with the relevant procedures to ensure transparency and accurate recording of procurement spend.

Purchasing Cards

Payments in respect of Purchases using purchasing cards are to be approved must be in accordance with the Low Value Purchase Cards Policy and Guidelines.

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.

Insurances

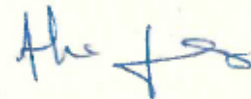
The appropriate insurances with suitable indemnities to protect the Council's interests must be in place when awarding contracts to minimise exposure to the Council.



Recommender Brian Murray

Senior Executive Officer

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 F/0201/2023 is hereby superseded.



Approver AnnMarie Farrelly

Chief Executive

Dated

thereunto empowered by order of the Chief Executive, Fingal County Council C.E No. delegating to me all powers, functions and duties in relation to the Council of the County of Fingal in respect of this matter.