

Procurement Policies and Procedures

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INTRODUCTION

The purpose of this document is to establish a common approach for purchasing in Screen Ireland and to ensure that there is complete clarity in the arrangements we have for purchasing Goods and Services. Screen Ireland includes Screen Skills Ireland (SSI).

Procurement of goods and services are conducted in accordance with the arrangements outlined in Public Procurement Guidelines for Goods and Services (Version 2: January 2019) and the National Public Procurement Policy Framework (November 2019).

All other guidelines are available on www.etenders.gov.ie and <https://ogp.gov.ie/>.

In this context, this policy and procedures manual aims to ensure that the procurement function within Screen Ireland is discharged as effectively and efficiently as possible. Primarily, it is intended to provide a quick reference for all staff regarding the key issues that need to be considered in the context of procurement. It also provides a reference source for the purposes of obtaining more detailed advisory information as may be necessary. Please note that the document is not intended to be a legal interpretation of existing procurement legislation/guidance and staff should, as necessary, refer to the more detailed advisory documents available and/or seek advice as may be appropriate.

If you have any queries please contact:

Teresa Mc Grane	Screen Ireland
Celine Forde	Screen Ireland
Susanne Cassells	Screen Skills Ireland

At a central Government level, advice on public procurement is available from:

The Office of Government Procurement: email - support@ogp.gov.ie

Comprehensive guidance on procurement, including model tender documents and guidance issued nationally for buyers and suppliers, is available at www.ogp.gov.ie

Please note that this document will be reviewed periodically.

I. Overview

“Procurement” refers to the process by which Screen Ireland purchases works, goods or services from suppliers which they have selected for this purpose. It ranges from the purchase of routine goods or services to large scale contracts. Purchasing remains the direct responsibility of each budget holder. Screen Ireland’s budget holders are managers of departments that are allocated an annual budget.

II. Scope of the Policy

- This policy covers all administration expenditure – excluding pay.
- It covers all awarding of contracts for works, goods and services in Screen Ireland. It does not cover Project specific funding awards which are applications made directly to Screen Ireland.
- It acknowledges the organisational structure of Screen Ireland and Screen Skills Ireland whereby budget responsibility is devolved to various managers.
- All employees should make themselves familiar with this document.

III. Objectives of Procurement

- To ensure that value for money is achieved in all purchasing activity.
- To ensure that Screen Ireland’s procurement policies and procedures comply with statutory requirements, Irish and EU public procurement legislation and to ensure that staff members are familiar with, and observe all public procurement guidelines and regulations as applicable to their role.
- To streamline, consolidate and, where possible, improve on purchasing practices.
- To utilise contracts put in place by Screen Ireland to obtain value for money and better quality and service. This should also lead to a reduction in the number of suppliers to Screen Ireland, thereby making savings in administrative time and costs.
- To enable the Procurement function to streamline the invoicing process by matching invoices against Purchase Orders (“POs”). The Procurement function is the Business Affairs Department for Screen Ireland, and the Finance Department for Screen Skills Ireland. The Head of Procurement is the Financial Controller.
- To embed transparency and openness in the procurement process.

IV. Procurement Principles

- Procurement transactions and decisions must in all respects be non-discriminatory, fair, equitable and ensure value for money.
- All financial matters involved in the purchasing of goods and services are governed by the financial policies and procedures of Screen Ireland and all statutory requirements.
- Purchasers should ensure that purchase orders are fully authorised before an order is placed with a supplier (see Section 1, “Purchasing Procedures”).
- Purchasers must ensure that the appropriate documentation is attached to an order before authorising it (see Section 1.1).
- Official Screen Ireland purchase order numbers should be used for all authorised purchases. Purchase order numbers should be communicated to suppliers, with the instruction that the purchase order number should be quoted on their invoices to Screen Ireland.
- Budget holders should be aware that the auditors of Screen Ireland and the staff of the Comptroller and Auditor General’s office have full, free and unrestricted access to all procurement records within Screen Ireland.
- The ultimate authority for spending allocated budgets lies with the budget holders.
- All budget holders are required to comply with Irish & EU legislation. Where Screen Ireland has put contracts/framework agreements in place, all staff are obliged to use them. This is particularly relevant where suppliers have been chosen as a consequence of EU tenders.
- The standard payment terms for Screen Ireland are 15 days on foot of a correct invoice. Screen Ireland is required to comply with the Late Payments in Commercial Transactions Regulations 2012 and any other guidelines as set out by the Government.
- Screen Ireland’s purchased materials should be reviewed for opportunities for recycling, reusing, reducing consumption, reducing packaging of products or in purchasing alternative products that have less environmental impact.
- The procurement of goods electronically (i.e. via the internet) is permitted but must comply with the normal procurement procedures.
- Employees may not subscribe to electronic services or other contracts on behalf of Screen Ireland unless they have the express authority to do so. Authority for subscriptions, including electronic subscriptions, rests with the CEO/Deputy CEO and no other Screen Ireland employee has the authority to enter into any binding commitment on behalf of Screen Ireland via email or the internet unless the CEO/Deputy CEO has given their consent.
- Screen Ireland is committed to applying Circular 13/13: The Public Spending Code: Expenditure Planning, Appraisal & Evaluation in the Irish Public Service - Standard Rules & Procedures as issued by the Department of Public Expenditure and Reform.
- All goods and services purchased by or supplied on behalf of Screen Ireland and Screen Skills Ireland (with regard to training spaces) are required to be fully accessible by persons with disabilities. Where this is not practicable or justifiable on cost grounds or would result in an unreasonable delay to the purchase or the delivery of the service, a detailed explanation must

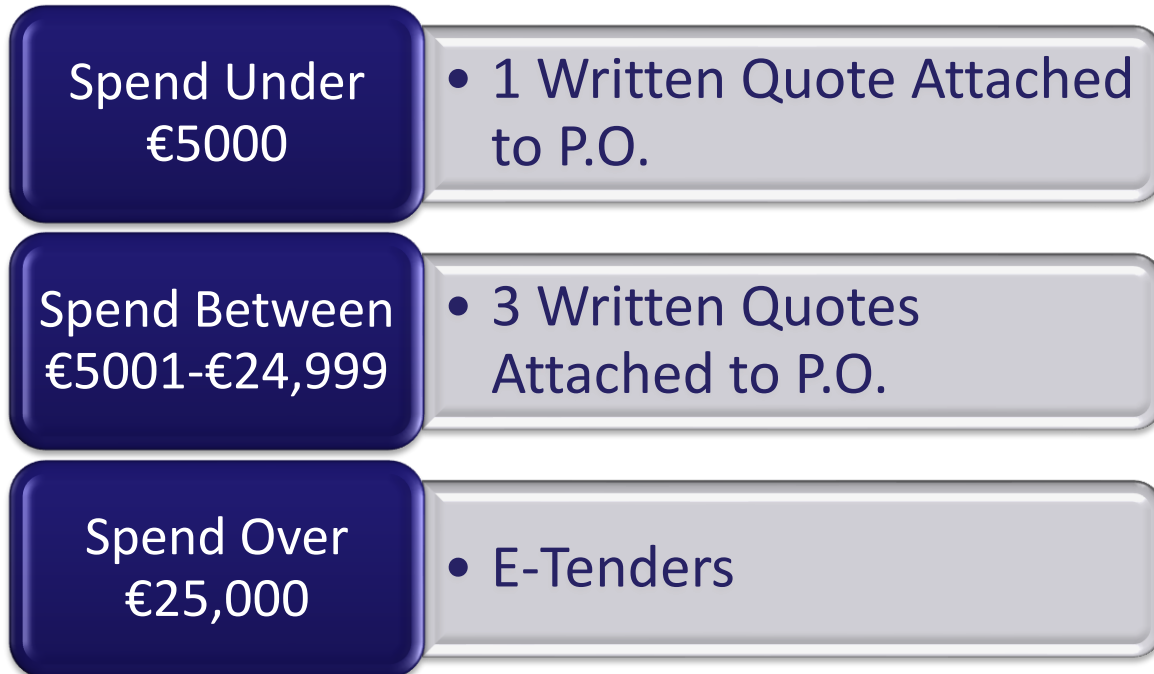
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be placed on the procurement file. This explanation must also contain details of any steps that need to be taken to overcome the difficulty in supply and the means by which Screen Ireland or the supplier will ensure that persons with a disability can avail of the service.

- All staff must comply with the procedures outlined in this policy. Under no circumstances should staff pay for goods with the intention of expensing these items unless they have received explicit prior approval.

SECTION 1: PURCHASING PROCEDURES

1.1. Documentation required for purchase orders



Budget holders are responsible for ensuring that the appropriate procurement process has been followed and the appropriate documentation is attached before approving a purchase request.

The purchase request must be approved by the budget holder in advance of the order being placed and before the expenditure is committed. Invoices will not be paid where a P.O. number is not quoted.

1.2. Retrospective purchase orders

Only in exceptional circumstances should a purchase order be raised retrospectively.

1.3. Orders which may be placed without a purchase order

- (i) Orders for goods or services costing less than €150 (excluding VAT).
- (ii) Subsistence expenditure excluding flights and all hotel and entertainment costs which are not related to travel and subsistence, (i.e. relating to seminars, conferences etc.).
- (iii) Purchases using petty cash. For small amounts of expenditure, a petty cash voucher must be completed and signed for by the purchaser, and a valid

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- receipt must be attached. The voucher must be authorised by the Finance Officer.
- (iv) Script Readers at agreed rates
 - (v) Expenditure already covered under a contract for which an annual purchase order has been raised and approved but invoices are received monthly for the contract for goods or services, e.g. cleaning services, press monitoring
 - (vi) Expenditure where it is not practical to estimate the cost before the service is provided e.g. Taxis, couriers

It should be noted that, where a framework agreement or contract is in place for the provision of goods or services over a period of time, (e.g., legal services or office suppliers) a purchase order must be raised for all individual instances of expenditure under that contract, unless a reducing balance (Annual) purchase order is already in place.

PO books are held in Finance, Business Affairs, Administration, Marketing, Inward Production and Screen Skills Ireland. Digital POs are also in use and each department has a specific number allocation. Any queries in relation to the operation of Digital POs should be addressed to the Finance Co-Ordinator.

1.4. GDPR Considerations

The OGP has updated its standard suite of templates and upcoming framework documents to reflect the GDPR which are available on ogp.gov.ie (See Appendix 3). Screen Ireland should adapt any existing contracts based on the OGP template documents and prepare future contracts to comply with certain key provisions of the GDPR.

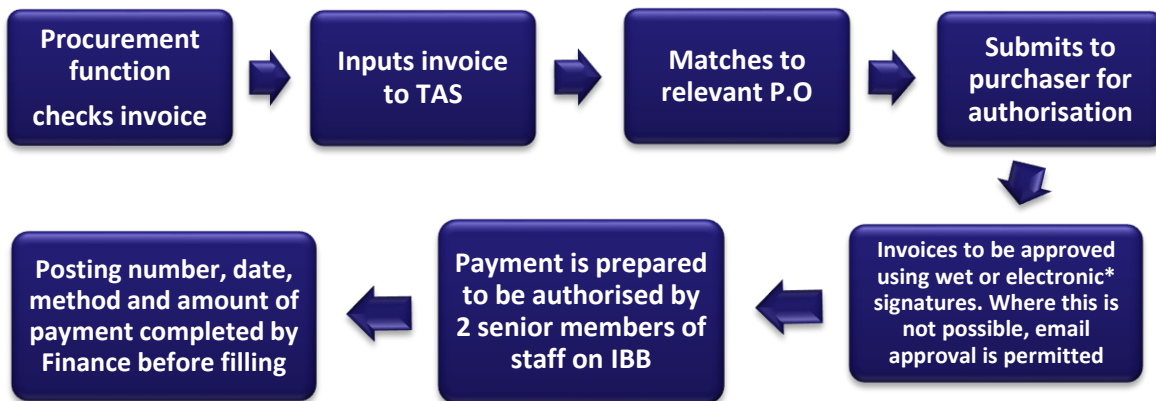
- Review all existing ongoing contracts
- Consider issuing directions where appropriate to existing contractors which could be used to meet the requirements of GDPR.
- Use revised OGP templates for all new contracts which incorporate the GDPR related amendments.

The OGP template documents are suitable for contracts where the contractor is acting as a “Data Processor” on behalf of the contracting authority. Where a contracting authority considers that the contractor is or might be a data controller in its own right or a joint data controller with the contracting authority, the template directions either will not be suitable or may need to be adapted and the contracting authority should seek legal advice.

1.5. Invoice approval

Supplier invoices may be received by the budget holder or directly by the Procurement function. The budget holder should approve the invoice and forward to Finance.

Hardcopy invoices travelling between Dublin and Galway should be uploaded to the relevant department folder on Sharepoint. All other invoices may be sent via email.



* Electronic signatures to include DocuSign or Adobe Sign

1.6. Payment

Only authorised invoices will be paid. Screen Ireland will deduct any related taxes as applicable; for example, Professional Services Withholding Tax (PSWT). Payments will be made in line with statutory guidelines.

Payments will be made in accordance with Screen Ireland Bank Mandate and on the basis of Screen Ireland Payment Authorisation levels (Appendix 1)

Screen Ireland's standard terms and conditions stipulate that payment should not normally be made prior to the receipt of goods or services.

1.6.1. Tax clearance

All suppliers or contractors providing goods or services in excess of €10,000 (including VAT) within any twelve-month period must show evidence that they hold a valid tax clearance certificate. Irish registered suppliers must provide a valid **Tax Clearance Access Number** and **Tax Reference Number** to facilitate online verification of their tax status. Non-resident suppliers must provide a valid paper copy of their **Tax Clearance Certificate**. This should be retained on file in Finance.

In addition, per Circular 43/2006 from the Department of Finance (updated 26th July 2012), where payments exceed €2,600 in any twelve-month period, a sub-contractor must produce a current tax clearance certificate or demonstrate a satisfactory level of subcontractor tax compliance. All payments under a contract are conditional on compliance with these requirements.

Before placing any order, the purchaser must establish that the Procurement function has been provided with a valid Tax Clearance Access Number and Tax Reference Number and that it has been verified that the supplier holds a valid tax clearance certificate.

In the case of a non-resident supplier, the purchaser must establish that there is a current valid tax clearance certificate for the supplier or contractor on file with the Procurement function. The purchaser

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is responsible for requesting this information from the supplier in order to establish that the supplier has been issued with a valid tax clearance certificate before placing an order.

Payments will not be made unless valid proof of tax clearance is held by the Procurement function.

1.6.2. Supplier bank details

Screen Ireland generally makes authorised payment through Electronic Funds Transfer (EFT). All new suppliers should be notified to the Procurement function by the budget holder.

1.6.3. Credit card payments

Orders placed using a credit card must follow the normal procurement procedures and must not be placed until a purchase order has been approved by the budget holder. (This does not apply in the case of travel and subsistence payments.)

Credit card numbers are confidential to the credit card holder, the Executive Assistant and to the Financial Controller.

There are 3 Screen Ireland credit cards; that of the CEO, DCEO and the Skills Manager in Screen Skills. The DCEO credit card is used for most operational purchases in Screen Ireland and is managed by the Executive Assistant – they are the only approved purchasers of credit card expenditure.

The Credit card statements are issued monthly, and all receipts and POs should be numbered and attached accordingly.

SECTION 2: PROCUREMENT GUIDELINES

See Appendix 2 for thresholds for procurement processes.

Unless other arrangements are made with the Procurement function, all purchase orders must be placed on the basis of Screen Ireland's standard conditions of purchase (see contract award template, Appendices 6 and 7). Purchasers must advise suppliers that Screen Ireland conditions take precedence. Purchasers must also carefully examine a supplier's conditions of sale; where these are in conflict with Screen Ireland's terms and conditions, advice must be sought from the Procurement function.

Under no circumstances should requirements be split to bring purchases below a particular threshold. In assessing the value of a contract or purchase, the maximum possible value of business to be entered into between Screen Ireland and the supplier should be taken into account. Consideration must be given to extensions, options and renewals.

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Financial leasing agreements, etc. are a special category of purchasing and must be discussed with the Procurement function, who will decide on the appropriate procedure.

2.1. Value for money

The primary basis for providing evidence of value for money* is to be able to show that what was offered by the selected supplier provided better value for money than that offered by any other potential supplier.

This can only be reasonably achieved by inviting competitive tenders for high value goods and services, i.e., €25,000 or more.

A minimum of three written quotations must be obtained for expenditure between €5,001 and €24,999 and standard “off the shelf” specifications. It is rarely the case that there is only one possible supplier.

The Procurement function will review expenditure to identify where payments to a supplier have exceeded €5,000 in one calendar year (across one or more different budget codes) and to determine whether or not it is appropriate for the goods or services provided by that supplier to be put to quote or to tender.

For purchases of high specification equipment, it may be appropriate to use formal tendering processes to ensure greater competition and improved value for money.

*Value for money, as specified in the Comptroller and Auditor General (Amendment) Act, 1993, encompasses (a) economy, i.e. providing suitable resources for a task at the lowest cost having regard to quality and (b) efficiency which relates the cost of resources to the outputs achieved. Value for money also encompasses effectiveness. This is defined in terms of the systems, procedures and practices used by government departments and other public sector bodies for the purpose of evaluating the effectiveness of their operations. Advice on strategies for particular purchases may be sought from the Procurement function.

2.2. Framework Agreements

Where ongoing requirements are a feature of the business but exact quantities are not known and/or where Screen Ireland does not wish to enter into a formal contract committing it to purchase requirements over an extended period of time, consideration should be given to awarding a framework agreement. A framework agreement is a mechanism for awarding contracts of a repetitive nature. Framework agreements are normally established on the basis of open or restricted tendering on the basis of known requirements, e.g., legal services.

The Procurement function should be contacted for all framework agreements. Key points to bear in mind in determining the use of framework agreements:

- Frameworks can be established with one party which is useful when standardisation is required, e.g. IT equipment;
- Frameworks can also be established with two or more parties. In this case, services or goods are procured by holding a mini-tender competition between members of the framework. This helps to ensure ongoing competition and availability of choice.
- The total value of all business likely to be awarded over the life of the framework agreement should be taken into account in determining whether to advertise at national or EU level;
- The use of frameworks must be indicated in the original advertisement.

2.2.1. Using framework agreements

The procedure for using framework agreements is provided in Appendix 7. A list of current framework agreements is provided in Appendix 8.

2.2. Sole Source and Single Supplier Scenarios

On occasions, there may be only one supplier of a particular item and no alternative is available (“sole source”). In this instance, the onus is on the purchaser / budget holder to prove that there is only one source available. Also, from time to time, there will be a requirement that an item(s) must be purchased from a particular supplier only, usually to ensure compatibility with existing goods or servicing arrangements (“single source”).

The Procurement function must be notified in advance of any potential sole supplier scenarios and approval for sole supplier scenarios for spend of €5,000 or more is required in advance from the Chief Executive on the basis of a detailed business justification from the purchaser. All sole supplier scenarios for spend of €5,000 or more must also be reported retrospectively to the Audit & Risk Committee.

2.3. Public Sector Collaboration

Discounts or other favourable contract terms may be available through other public sector organisations such as the Office of Government Procurement, the Department of Public Expenditure and Reform, etc. Wherever possible, purchasing contracts made available by public sector collaboration should be supported, provided always that (i) value for money can be demonstrated and (ii) these contracts were awarded in compliance with the appropriate rules enabling use by Screen Ireland. These include arrangements made by government departments and/or agency contracts.

Individual purchasing arrangements for projects or operational areas within Screen Ireland should be made available across the agency and should be structured on the basis of use by Screen Ireland rather than a specific area.

2.4. Derogations

In absolute emergencies, there may not be time to seek competitive bids and Screen Ireland would, therefore, be invoking derogation from competition.

Within the terms of the procurement rules, emergencies are classed as such when the requirement is strictly necessary for reasons of extreme urgency brought about by unforeseeable events, where the time limits for advertising cannot be met.

Poor planning on Screen Ireland’s part is not sufficient reason to invoke derogation from competition. It should be a genuine business reason involving provision of services or health and safety.

If any of the foregoing occurs, the purchaser should make a full written justification for approval by the Chief Executive for the decision not to seek competitive bids. Full written records must be maintained of all decisions and should be forwarded to the Procurement function for filing.

Procurement files will be retained for six years from the end of the current financial year.

2.5. Supplier Debriefing

In relation to contracts above the EU thresholds, tenderers should be informed as soon as possible of decisions reached concerning the award of a contract, including the grounds for any decision not to award a contract for which there has been a call for competition, or any decision to recommence a procedure.

Written debriefings will contain as much information as possible so that the unsuccessful candidate/tenderer will be aware of where they lost points in relation to the successful candidate/tenderer.

Unsuccessful tenderers should be informed of the characteristics and relative advantages of the preferred tender. Information should include but is not limited to:

- (i) Name of the winning tenderer;
- (ii) Reasons for rejection of their tender against award criteria;
- (iii) Features of winning tenders over theirs;
- (iv) Scores of winning tenderer and their own score;
- (v) Standstill period applicable to contract (14 days when notified electronically; 16 days when notified by other means).

In relation to the restricted, negotiated and competitive dialogue procedure, those suppliers not proceeding to the tender list should be informed of the following:

- (i) A narrative against each criterion explaining where the candidate lost marks relative to the lowest scoring candidate admitted to the tender list;
- (ii) Scores of the lowest scoring candidate admitted to the tender list and their own score.

2.6. Article 84 reports

For every contract entered into, or framework agreement established above the EU thresholds, Screen Ireland shall draw up a written report which shall include at least the following:

- (i) the name and address of the contracting authority and the subject matter and value of the contract or framework agreement;
- (ii) where applicable, the names of the selected candidates/tenderers passing any selection

- stage and the reasons for their selection;
- (iii) where applicable, the names of any rejected candidates/ tenderers following any selection stage and the reasons for their rejection;
 - (iv) where applicable, the names of bidders selected (following a “reduction of numbers” under Article 66 of the EU Directive) to continue to take part in a competitive procedure with negotiation or competitive dialogue process and the reasons for their selection;
 - (v) the reasons for the rejection of any tenders found to be abnormally low;
 - (vi) the name(s) of the successful tenderer(s) and the reasons why the successful tender(s) were selected and, where known:
 - a. the share, if any, of the contract or framework agreement which the successful tenderer intends to subcontract to third parties, and
 - b. the names of the main contractor’s subcontractors;
 - (vii) for competitive procedures with negotiation and competitive dialogues, the circumstances referred to in Article 26 of the EU Directive which justify the use of those procedures;
 - (viii) for negotiated procedures without prior publication, the circumstances referred to in Article 32 which justify the use of those procedures;
 - (ix) where applicable, the reasons why Screen Ireland has decided not to award a contract or framework agreement or to establish a dynamic purchasing system;
 - (x) where applicable, the reasons why means of communication other than electronic means have been used for the submission of tenders;
 - (xi) where applicable, conflicts of interests detected and subsequent measures taken;
 - (xii) If not recorded elsewhere in the tender documents, an indication of the main reasons why it was considered that there was a justified case for requiring tenderers to evidence turnover greater than the standard permitted maximum of twice the estimated contract value (for example due to special risks attached to the nature of the works, services or supplies); and
 - (xiii) If not recorded elsewhere in the procurement documents, the main reasons for the decision not to subdivide the requirements into lots.

In addition to the above report, Screen Ireland shall document the progress of all procurement procedures. Screen Ireland shall ensure that it keeps sufficient documentation to justify decisions taken in all stages of procurement procedures, such as documentation on communications with economic operators and internal deliberations, preparation of the procurement documents, dialogue or negotiation if any, selection and award of the contract.

The documentation referred to above shall be kept for a period of at least three years from the date of award of the contract.

2.7. Conflict of Interest

Any member of staff or contractor involved in the drawing up of technical specifications for requests for tenders or in the recommendation or selection of tenders must inform the Head of Procurement in writing if he/she has any interest, shareholding or other possible conflict of interest with a tenderer or potential tenderer.

Any conflict of interest or potential conflict of interest must be fully disclosed to the Head of Procurement as soon as such conflict or potential conflict becomes apparent.

A member of staff or contractor may not participate in any tender process on behalf of Screen Ireland where he/she has any interest, shareholding or other possible conflict of interest with a tenderer or potential tenderer, unless exempted in writing by the Head of Procurement. In the event of any conflict or potential conflict of interest, Screen Ireland shall, in its absolute discretion, decide on the appropriate course of action.

Please refer to Appendix 6 (Code of Ethics).

SECTION 3: PROCUREMENT PROCEDURES

The choice of procedure is determined by the type of purchase and the estimated value of the contract. The monetary thresholds set out in Appendices 1 and 2 determine which type of procurement process is required. These thresholds relate to the total value of the contract exclusive of VAT. Where a project or purchase involves separate lots, the total value of all lots must be included in estimating the value of the contract. Where it is envisaged that a project or purchase will involve possible contract renewals and options for the provision of additional or other goods and services, the value of such renewals and options should be taken into account.

3.1. Contracts with values below the EU thresholds

3.1.1. Contracts below €5,000

At least one written quote and two verbal quotes are required where the supply of goods or services is less than €5,000. The supplier must be provided with a copy of Screen Ireland's terms and conditions.

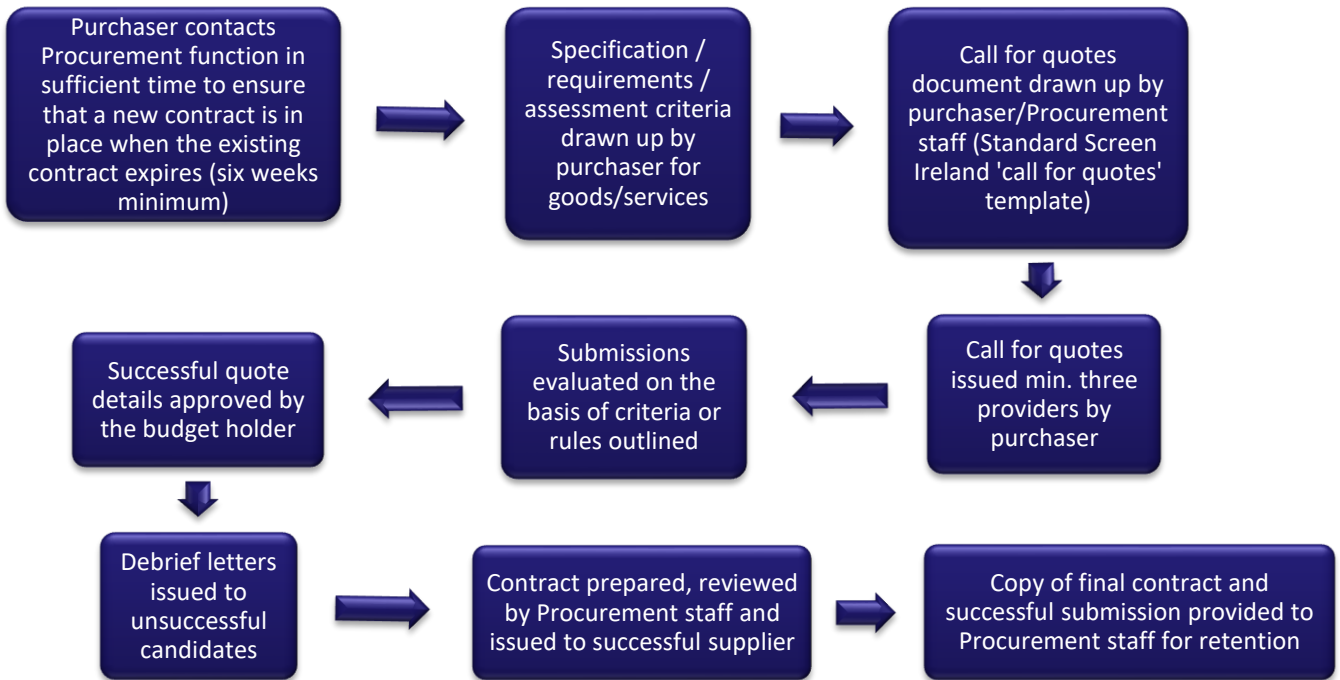
3.1.2. Contracts between €5,001 and €24,999

At least three written quotes are required where the supply of goods or services is €5,001 or greater and less than €25,000.

A Screen Ireland contract must be issued to and signed by the supplier and Screen Ireland budget holder, and saved on the procurement files.

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Procedure for quotes between €5,001 and €24,999:



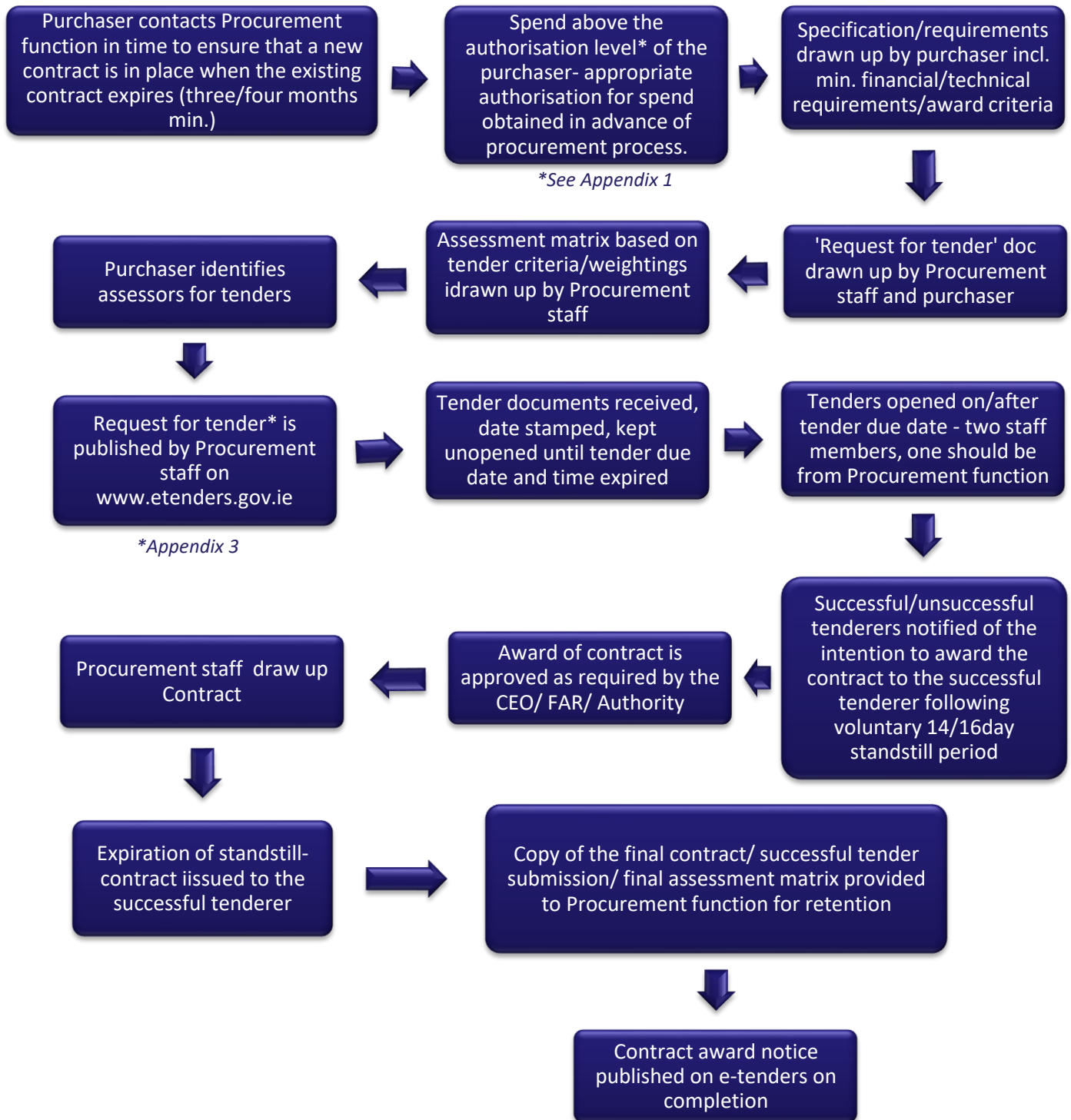
3.1.3. Contracts above €25,000 and up to the value of the EU Thresholds

An open tender is required where the value of the contract is more than €25,000 and up to the value of EU thresholds. (See Appendix 2 - Procurement thresholds).

A Screen Ireland contract must be issued to and signed by the supplier and Screen Ireland budget holder and saved on the procurement files.

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Procedure for a contract above €25,000 and up to the value of the EU Thresholds:



**Complete an Article 84 report for any framework agreement or contract above the EU threshold.

3.2. Contracts with values above the EU Thresholds

The procedures set out in this section address the requirements of purchases above the thresholds set out in Appendix 2.

All tender processes conducted by Screen Ireland must include provision for acceptance of the European Single Procurement Document (“ESPD”). The ESPD is essentially a self-declaration which contracting authorities must accept as preliminary evidence that a tenderer meets (i) the relevant selection criteria, (ii) where applicable, the objective rules and criteria for shortlisting, and (iii) that the grounds for exclusion do not apply.

The actual documents supporting the ESPD will only have to be provided by the successful tenderer or in the case of a multi-stage process, by the short-listed tenderers. A Screen Ireland contract must be issued to and signed by the supplier and Screen Ireland budget holder, and saved on the procurement files.

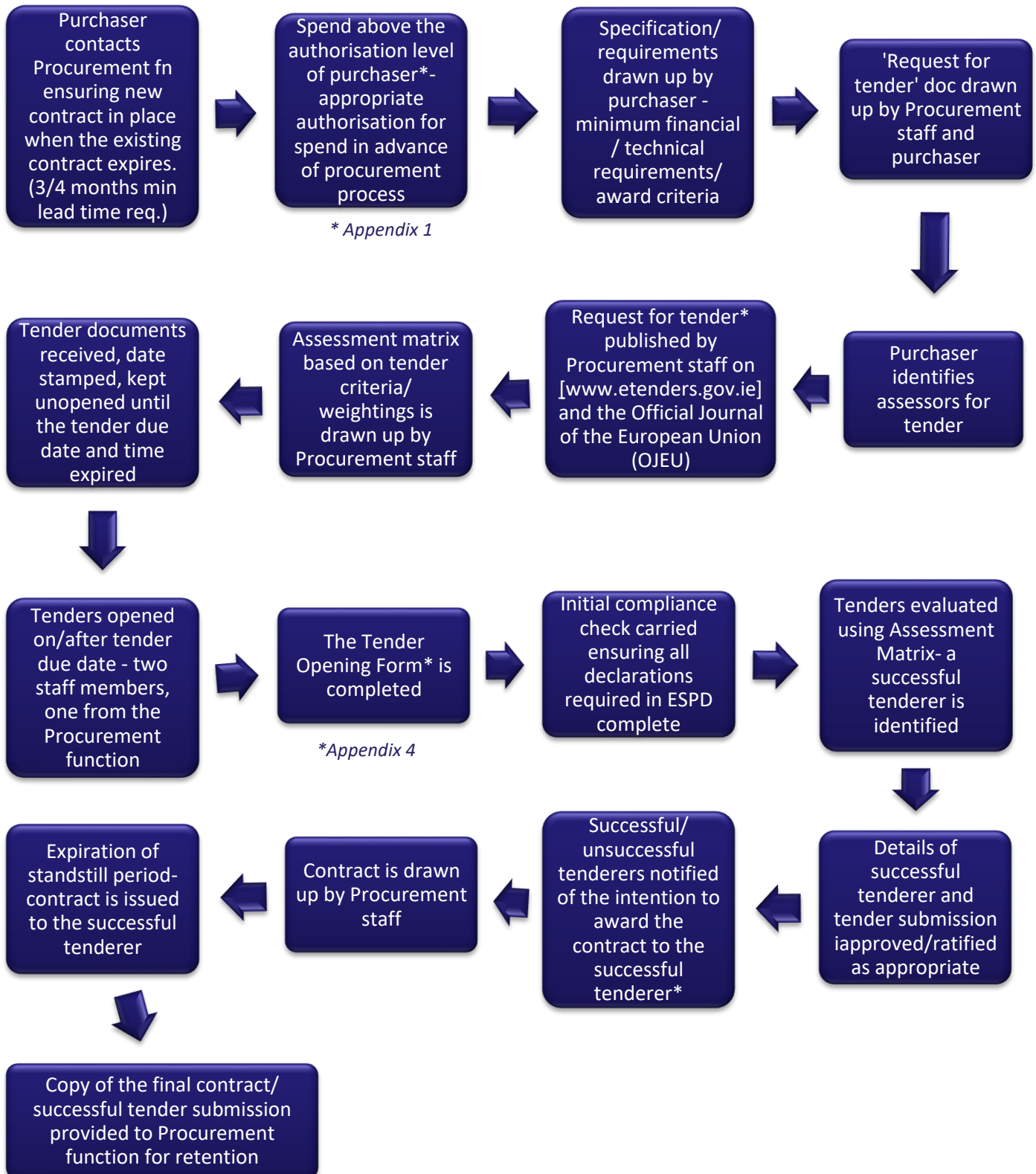
There are five tender procedures available under the EU Directive and Regulations:

- **Open procedure:** all interested suppliers, contractors or service providers may submit tenders. No post tender negotiation is permitted in this procedure.
- **Restricted procedure:** any interested suppliers, contractors or service providers may request to participate but only appropriately qualified candidates invited by Screen Ireland may submit tenders. No post tender negotiation is permitted in this procedure.
- **Competitive procedure with negotiation:** any interested suppliers, contractors or service providers may request to participate; Screen Ireland invites selected appropriated qualified candidates and negotiates the terms of the contract with one or more of them. This procedure is available only in certain exceptional circumstances.
- **Competitive dialogue procedure:** dialogue is allowed with selected suppliers to identify and define solutions to meet the needs and requirements of Screen Ireland and chosen suppliers will be invited to tender. This procedure is available only in certain exceptional circumstances.
- **Innovation partnership:** a process used to procure a partner (or partners) to develop some new or innovative solution. Any interested supplier, contractor or service provider may request to participate; Screen Ireland invites selected appropriately qualified candidates and negotiates the terms of the contract with one or more of them. This procedure is available only in certain exceptional circumstances.

In general, most contracts to be awarded by Screen Ireland will be governed by the **Open or Restricted procedures** as set out in sections 3.2.1 and 3.2.2 below.

Procurement

3.2.1. Open Tender Procedure

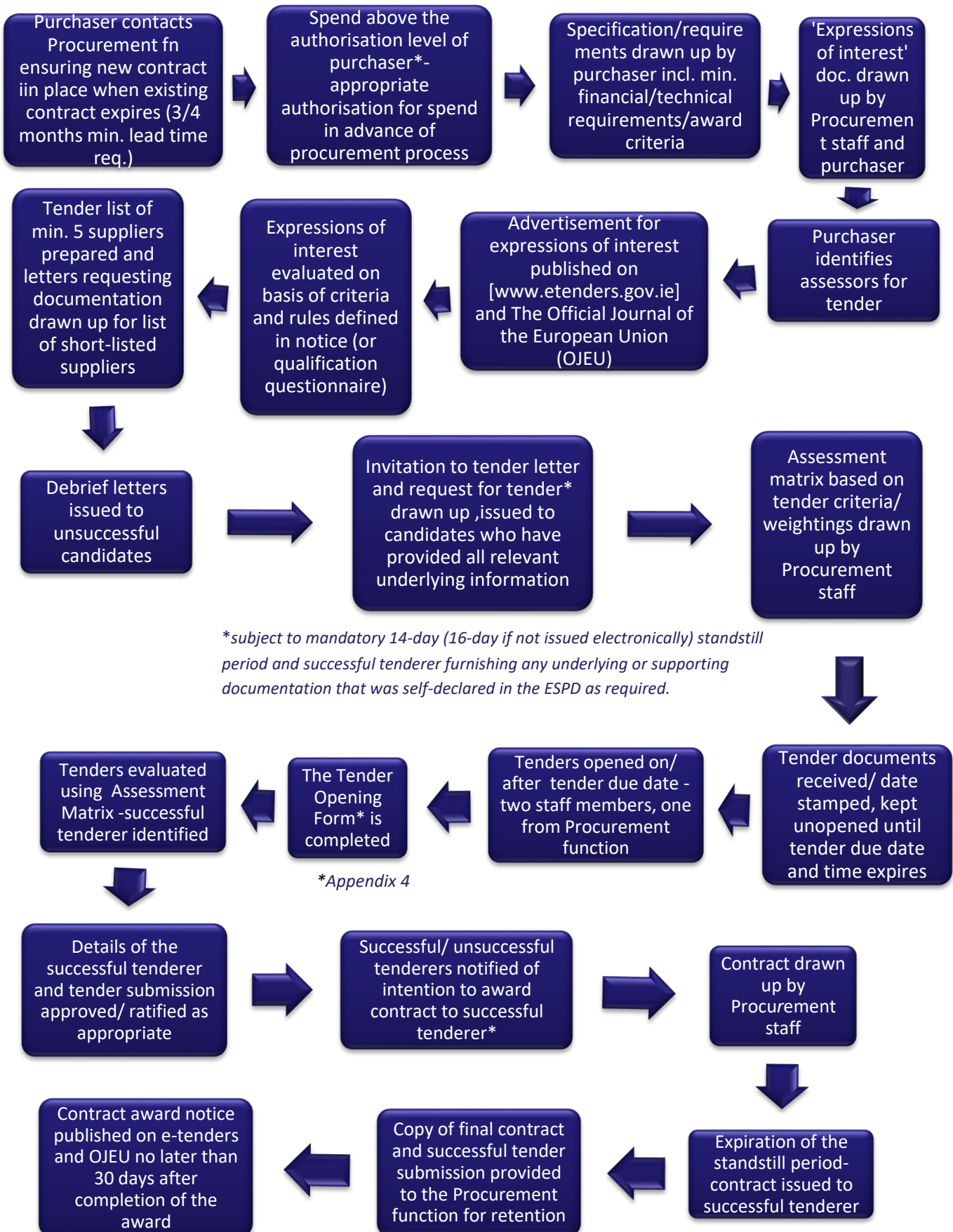


**Publish a contract award notice on e-tenders and OJEU no later than 30 days after the completion of the award.

**Complete an Article 84 report for any framework agreement or contract above the EU threshold.

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3.2.2. Restricted Tender Procedure



**Complete an Article 84 report for any framework agreement or contract above EU threshold

3.3. Extension of contracts

3.3.1. Extension of contract duration

Any purchaser proposing to extend a contract must seek guidance from Procurement staff.

3.3.2. Extension of contract scope

Any purchaser proposing to extend the scope of a contract, i.e., seeking services from the supplier which are outside the scope of the existing contract, must seek guidance from Procurement staff.

SECTION 4: TENDERING REQUIREMENTS

The Procurement function is responsible for all tender processes and contracts and must be consulted on and involved in all stages of the tendering and contracting process.

All tender procedures will be administered and facilitated by the Procurement function. Tenders must always be in writing, unless alternative electronic arrangements ensuring full confidentiality, etc. are in place. Where soft copies are required this should be indicated. It is recommended to request pdf versions as accurate copies of submissions.

The purchaser must ensure the budget holder has authorised the expenditure in advance of seeking quotes or tenders.

4.1. Exclusions

There are a number of grounds for the exclusion of tenderers set out in Article 57 of the EU Directive which are based on evidence of unsuitability, some of which are mandatory. Mandatory exclusion grounds include:

- Participation in a criminal organisations
- Corruption
- Fraud
- Terrorist offences or offences linked to terrorist activities
- Money laundering or terrorist financing
- Child labour and human trafficking related offenses
- Breach of Tax or social security obligations

Previous poor performance which has led to early termination, damages or other comparable sanctions are discretionary grounds for exclusion. It is important to note that there are statutory limits to the duration of any exclusion period (A long stop date of five years from the date of conviction for mandatory exclusionary grounds and three years from the date of relevant event for the discretionary exclusion grounds).

Those suppliers not excluded can then be assessed on the basis of their economic and technical capacity.

4.2. Financial and technical capacity

All requirements must be related and proportionate to the subject matter of the contract. It is incumbent upon Screen Ireland to ensure that contractors have the minimum financial and technical capacity to perform the requirements of each individual contract. Tenderers should always be asked to confirm minimum levels. The minimum levels to be applied should be determined on a contract-by-contract basis and depend on the value and risk of the contract in question. Any relevant DPER circulars or guidelines will apply.

Financial standing may be determined by asking for any / all of the following:

4.2.1. Evidence of turnover

Evidence of turnover, by way of audited accounts for the previous three years of operation or on a pro rata basis for firms which are more recently established, or a statement from the firm's auditor or other acceptable evidence.

The EU Directive provides that the minimum yearly turnover shall not exceed two times the estimated value of the contract except where there is a specific justification, for example, where there are special risks attached to the nature of the works, services or supplies. ^{*1} If this exception is relied upon, Screen Ireland must provide the reasons for such a requirement in the Request for Tender or call for quotes documents or within the Article 84 report ^{*2}.

Where contracts based on a framework are awarded, the maximum yearly turnover shall be calculated on the basis of the expected maximum size of specific contracts that will be performed at the same time or, where it is not known, on the basis of the estimated value of the framework agreement.

^{*1}Article 58 of the EU Directive and Regulation 58(9) of the Regulations

^{*2}Article 58 of the EU Directive and Regulation 58(14) of the Regulations

4.2.2. Evidence of insurances

Evidence of insurances in place (note that tenderers can be requested to commit to specific levels of insurance if successful).

4.2.3. Evidence of tax compliance

See paragraph 1.6.1. above.

Financial criteria are ordinarily assessed on a pass/fail basis.

Each of the above may be self-declared by tenderers with the evidence sought prior to award of contract. This reduces the administrative burden on tenderers and on Screen Ireland. In relation to technical standing, this may be determined by asking for any/all of the following details:

Procurement

- Previous experience on similar contracts which may include references from contracts performed
- Educational and professional qualifications of key personnel
- Organisation structure
- Manpower levels and skills
- Quality assurance programmes in place.

Assessing the above can provide confidence that only competent firms are considered at tender evaluation stage. The ESPD may be used by Tenderers to self-declare that they meet the financial and technical criteria set.

4.3. Award Criteria

The applicable award criteria must be linked to the subject matter of the contract; should be set out in the tender documents and shall be based on the most economically advantageous tender. In addition to price, various other criteria may be considered depending on the contract in question, such as delivery process and delivery period or completion date, running costs, cost effectiveness, quality, aesthetic and functional characteristics, accessibility, social, environmental and innovative characteristics, technical merit, after-sales service and technical assistance, organisation, qualification and experience of staff where quality of staff assigned can have a significant impact on the level of performance, commitments with regard to spare parts and security of supplies.

Screen Ireland must clearly state in its Request for Tender or call for quotes documents all the criteria which it is intended to apply to the award together with the relative weightings applicable to each criterion. Where weightings are sub-divided within criteria headings, these should be provided. It may be appropriate to set a minimum score requirement for key qualitative criteria. The minimum is usually set at 60% of the maximum score. For example, in the case of a criterion worth 40% of the total marks, the tenderer must achieve 24 points in order to remain eligible for consideration against all other criteria.

Tenderers must be informed of the award criteria and associated weightings in the tender documents and these criteria cannot be amended once the competition has commenced.

Where it is not possible for objective reasons to specify weighting then criteria must be specified in decreasing order of importance.

APPENDIX 1: PAYMENT AUTHORISATION LEVELS

The following table outlines the payment authorisation levels and appropriate procurement procedures which must be complied with. The Procurement function must be consulted and involved in all stages of the tendering and contracting process.

Value of Purchase	Authorisation Level	Quotes Required	Procurement Process
Up to €5,000	Budget holder	One written quotation, two verbal quotations	<ul style="list-style-type: none"> • Screen Ireland T&Cs to supplier • Purchase Order (attach quote). For purchases < €150 no PO required.
€5,001 - €25,000	DCEO/CEO	Three written quotations	<ul style="list-style-type: none"> • Call for quotes • Signed contract • Purchase Order (attach quotes)
>€25,000	DCEO/CEO	E-Tenders	<ul style="list-style-type: none"> • Open national tender process • Signed contract • Purchase Order

Screen Ireland generally makes payments by Electronic Funds Transfer (EFT). All payments made are required to be in accordance with the latest Bank Mandate. Current details are as follows:

Authorised signatories:

Any two of:

- Chief Executive
- Deputy Chief Executive
- Financial Controller

APPENDIX 2 – THRESHOLDS FOR PROCUREMENT PROCESSES

Thresholds (exclusive of VAT) above which advertising of contracts in the Official Journal of the EU are obligatory, applicable from 1 January 2018.

Description	Contract notice
Works	€5,548,000
Supplies and services	€221,000

Thresholds are revised every two years. Full and up to date thresholds can be found on the EU public procurement website:

<http://www.simap.europa.eu/>

APPENDIX 3- REQUEST FOR TENDER TEMPLATE (GOODS AND SERVICES)

The Office of Government Procurement (OGP) has since April 2016 published a standard suite of templates. The templates, which are designed for above EU threshold tenders, are to be used by Contracting Authorities (Government Departments and State Bodies) for low to medium risk goods and services. The most recent amendment as of January 2019 is a result of the launch of the Electronic European Single Procurement Document (eESPD).

The OGP should be contacted in the first instance regarding procurement requirements.

The following documents should be used in the procurement of goods:

<https://ogp.gov.ie/wp-content/uploads/GoodsRFT260619.docx>

<https://ogp.gov.ie/wp-content/uploads/GoodsContract310119.docx>

<https://ogp.gov.ie/wp-content/uploads/GoodsConfidentialityAgreement200519.docx>

The following documents should be used in the procurement of services:

<https://ogp.gov.ie/wp-content/uploads/ServicesRFT10May19.docx>

<https://ogp.gov.ie/wp-content/uploads/ServicesContract310119.docx>

<https://ogp.gov.ie/wp-content/uploads/ServicesConfidentialityAgreement100519.docx>

A copy of the Goods and Services RFT and Contract templates can be found in the shared folder:
"\\ifbdub\Company\Public\Staff Policies\10. SI Procurement"

APPENDIX 4 - TENDER OPENING FORM

SECTION A

(This section must be completed BEFORE the tenders are opened and criteria listed in this document must match the criterion listed in the tender letter and/or specification issued to tenderers)

Product / service for tender	
Purchaser	
Request for Tender document (link)	

Date Section A completed:.....

Signed (Head of Procurement):.....

SECTION B

Date of opening of tenders:.....

Tenderer

Persons present:

.....

Person #1 (print name)

.....

Person #1 (signature)

.....

Person #1 (date of signing)

.....

Person #2 (print name)

.....

Person #2 (signature)

.....

Person #2 (date of signing)

SECTION C

Approved by Head of Procurement:

Date:.....

APPENDIX 5 – TENDER TIMELINES

Open Procedure

For receipt of tenders: **35 days from the day after the date of dispatch of the Contract Notice to OJEU.**

Reductions in timescales are available in the following limited circumstances:

- If a Prior Information Notice (PIN) has been published
- Where a state of urgency* duly substantiated by the contracting authority renders the time limit impractical or where public bodies will accept a tender response electronically

Restricted Procedure

Once the contract notice is published, suppliers have a minimum of 30 days to submit an EOI and ESPD.

If shortlisted, a further 30 days for submission of tenders

Reductions in timescales are available in the following circumstances:

- If PIN was issued within the relevant timeframe
- Where a state of urgency* duly substantiated by the contracting authority renders the time limit impractical or where public bodies will accept a tender response electronically
- For receipt of expressions of interest, not less than 15 days from the date of dispatching the notice and
- For receipt of tenders, not less than 10 days from the date of issue of invitation to tender.

* The use of the urgent procedures, or accelerated procedures, as referred to in the Directives, must be justified and have been caused by unforeseeable events outside the control of the contracting authority. The EU Commission and ECJ interpret 'urgency' very strictly. Delay or inaction on the part of the contracting authority is not sufficient reason for applying exceptional procedures.

Under a negotiated procedure or in competitive dialogue the time allowed for receipt of tenders may be agreed between the parties involved.

Electronic / online transmission

Minimum times for responses may be reduced where contract notices are transmitted electronically to the OJEU and all tender documentation is made available electronically in accordance with the provisions of the revised Directives. The reduction can be up to a cumulative 12 days, reflecting the potential for time saving if up - to - date technological methods of communication and transmission are used at the various stages of the process. Conditions for availing of these potential time reductions are set out in Article 38 (5) and (6) of the revised public sector Directive.

APPENDIX 6 – ETHICS IN PUBLIC PROCUREMENT

Introduction

As a public body, the highest standards of ethical behaviour & integrity in the conduct of business are expected of all staff involved in procurement. Staff should be familiar with Screen Ireland “s Staff Code of Business Conduct”. In addition the following issues should be considered by staff involved in procurement.

While bearing in mind the advantages to Screen Ireland of maintaining a continuing relationship with a supplier, any arrangement which might, in the long term, prevent the effective operation of fair competition should be avoided.

Guiding Principles

It is very important that the public procurement function is discharged with probity, transparency and accountability in a manner that secures best value for public money. Probity requires the purchasing process to be conducted

- Ethically;
- Honestly; and
- With fairness to all participants

Procurement transactions and decisions must in all respects be fair, equitable and ensure value for money. All dealings with suppliers should be handled in a prompt and courteous manner. Every effort should be made to treat suppliers fairly and equally and, in tender situations, to furnish all with the same adequate information. Reasonable efforts should be made to ensure that bid lists only comprise those suppliers who are financially sound and who have a realistic chance of winning the business.

Transparency and accountability require that the basis for decisions is demonstrably clear and objective and that the purchaser is held to account for the conduct of the procurement process.

Screen Ireland must be cost effective and efficient in the use of resources while upholding the highest standards of integrity. Procurement practices are subject to audit and scrutiny under the Comptroller and Auditor General (Amendment) Act 1993 and Accounting Officers are publicly accountable for expenditure incurred.

Contractors, suppliers, and service-providers who have been treated unfairly or whose rights have been infringed in the public procurement process have a right to legal redress under EU remedies Directives. If officials are unsure of the legal, policy or procedural requirements, they must seek advice from the Financial Controller.

Disclosure of Interest

Any form of personal interest which may impinge, or might reasonably be deemed by others to impinge, on a public official's impartiality in any matter relevant to his or her duties should be disclosed in writing to line management. Personal interest includes an interest of a relative or connected person. Line management must then decide if the exercise should be dealt with by another member of staff or seek further advice.

Personal inducements in any form from suppliers of goods and services to employees are forbidden. Any instances of such inducements must be advised immediately to the Financial Controller.

It may occur that Screen Ireland conducts business in which a family member or close associate of an employee of Screen Ireland is involved. While such business arrangements are not disallowed, it is important that there is no impropriety or perception of impropriety in such an arrangement. Where such a situation arises or may potentially arise, the Head of Finance must be notified and, where possible, Screen Ireland employee must withdraw from the process. Clarification of what constitutes a family member or close associate may be obtained from the Head of Finance at any time.

It may occur that an employee of Screen Ireland may wish to make a personal purchase from an approved supplier of Screen Ireland, availing of discounts or other arrangements which have been negotiated by Screen Ireland with that supplier. While such a transaction is not disallowed, this is a private arrangement between the employee and the supplier for which Screen Ireland takes no responsibility. The employee must (a) make it clear to the supplier that this is a private transaction between himself/herself and that supplier, (b) negotiate privately with the supplier as to whether he/she may utilise Screen Ireland discounts, etc., (c) arrange for delivery and (d) pay for all goods/services and/or delivery costs directly to the supplier. Screen Ireland must not be invoiced for these goods/services and/or delivery costs.

Hospitality

Screen Ireland officials should not accept benefits of any kind from a third party which might reasonably be seen to compromise their personal judgement or integrity.

Suppliers who attempt to provide inducements over and above that which would be considered acceptable will be removed from all future tender lists. Refer to Screen Ireland's Hospitality policy for further information.

Confidentiality

The basic rule is that commercially sensitive information must be kept secure and never used for personal gain or to prejudice fair competition. Information on individual contracts must not be given to the media or any other enquirer (except the individual contractor concerned), without the authority of line management. Disclosure of supplier and tender information relating to the tender process prior to contract award, and in particular to another interested party, is strictly prohibited.

After the award of contract, information may be provided in accordance with the detailed guidance on “Notifying Tenderers and Disclosure of Information” outlined in the booklet “Public Procurement Guidelines – Competitive Process” and published in the general procurement guidance section of www.etenders.gov.ie. Some information on the tendering process may be disclosable under FOI legislation where invoked.

Equally, suppliers are obliged to ensure that any privileged information regarding the operations of Screen Ireland is kept strictly confidential and divulged only on a need-to-know basis. Suppliers and their employees, agents and sub-contractors should sign a confidentiality agreement.

APPENDIX 7 – AWARD OF CALL-OFF CONTRACTS FROM FRAMEWORK AGREEMENTS

At any time during the framework period, a call-off contract may be awarded as follows:

1. Where the estimated value of the Call-Off Contract is less than €5,000, the Authority, at its discretion, will issue a Request for Quotation to a single Framework Member;
2. Where the estimated value of the Call-Off Contract is €5,000 or greater, the Authority will conduct a Mini-Tender competition in accordance with the procedure described below.

Mini-Tender competitions will be conducted in accordance with the following procedure:

1. The Authority will issue a request for mini-tender to all framework members who are capable of performing the call-off;
2. Capability in this regard shall be determined with reference to:
 - a. the compliance of the Framework Member with its obligations under the terms of this Framework Agreement and;
 - b. the availability of the resources required for delivery of the Call-Off Contract;
3. The Authority shall fix a deadline for the receipt of Mini-tenders taking into account the complexity of the Call-Off Contract and the time needed to prepare an appropriate Mini-tender;
4. Mini-tenders shall be submitted in writing, and their content shall remain confidential until at least the stipulated time limit for reply has expired. The Mini-tender shall comply with the requirements of the Request for Mini-tender and the Fixed Conditions for Call-Off Contracts set out in Clause 6 hereof;
5. Any clarifications requested by a Framework Member in relation to a Mini-tender shall be submitted in writing and any responses containing further material information will be issued in writing to all Framework Members participating in the Mini-tender competition;
6. Following evaluation of all valid Mini-tenders received before the deadline, the Authority shall award the Call-Off Contract to the most economically advantageous tender on the basis of the award criteria set out in the Request for Mini-tender;
7. The Authority reserves the right to exclude a Framework Member from a Mini-tender Competition if in the Authority opinion it has not fulfilled the obligations set out in clause 7 of this document. Alternatively, the Authority may include such a Framework Member in the Mini-tender Competition but make the fulfilment of said obligations a condition for award of the Call-Off Contract.

The Authority shall not be responsible for any costs incurred by Framework Members in the preparation of Tenders or Mini-tenders or any related site visits.

The Authority may elect to cancel a Mini-tender competition at any time at its sole discretion and shall not be bound to award a Call-Off Contract to the most economically advantageous or any tenderer.

On each occasion that a Call-Off Contract is awarded to the Framework Member pursuant to this Clause, the Authority and the successful Framework Member shall enter into a contract in accordance with the Broadcasting Authority of Ireland Terms and Conditions of supply of Services.

Award to runner-up

If for any reason it is not possible to award a Call-Off Contract to the designated successful tenderer emerging from a Competitive Procedure, or if having awarded the Call-Off Contract, the Authority considers that the successful Framework Member has not met its obligations, the Authority reserves the right to award the Call-Off Contract to the next highest scoring Framework Member at any time during the tender validity period as set out in the Invitation to Tender. This shall be without prejudice to any remedies in law or equity that may be available to the Authority with respect to the unsatisfactory performance of the Call-Off Contract.

Award Criteria

Call-Off Contracts under this Framework will be awarded on the basis of the award criteria which were defined in the original framework agreement.

The precise scoping and weighting of the award criteria should be set out in the Request for mini-tender and weighting for any – though not all - of the criteria may be set at 0%.

However, Screen Ireland generally has the authority to vary these criteria to reflect the requirements of the particular call-off. Any changes must be discussed and agreed with the Head of Procurement.

Fixed conditions for call-off contracts

The following terms apply to all mini-tenders submitted by framework members:

Rates

Where the request for mini-tender or request for quotation indicates that the framework member must formulate their financial proposal as daily rates (as opposed to a fixed fee), the rates proposed by the Framework Member in their Mini-tender shall not exceed those identified in Schedule 1 hereto.

The maximum rates chargeable will be adjusted for inflation on each annual anniversary of the Commencement Date of the framework. This adjustment shall be in accordance (whether positive or negative) with the Consumer Price Index.

Personnel

The personnel assigned by the Framework Member to deliver any Call-Off Contract shall be those identified in the Resource Allocation Schedule submitted with its Tender (see Schedule 2) or Mini-tender, or other personnel of equivalent qualifications, professional expertise and experience approved by the Authority.

For the avoidance of doubt personnel of the Framework Member shall include personnel, officers, contractors and agents employed or engaged by the Framework Member to deliver any Call-Off Contract.

APPENDIX 8 – CURRENT FRAMEWORK AGREEMENTS

The OGP Schedule of Frameworks and Contracts sets out the OGP’s service delivery plan for Q1 2019 to Q4 2019 and provides details of when key contracts and frameworks will be available for use by public sector bodies. To download the Schedule, visit the OGP website:

<https://ogp.gov.ie/wp-content/uploads/schedule-of-frameworks-and-contracts-q4-2019.pdf>

A full list of all the Frameworks currently in place is available here:

<https://ogp.gov.ie/wp-content/uploads/current-arrangements-october-q4-update.pdf>

Further information about the Schedule of Frameworks and Contracts is available in Buyer Zone for logged-in public sector users. Log-in **using** the following link and go to the “News and Updates” section of Buyer Zone to view this information.

<https://bz.procurement.ie/>

APPENDIX 9 – TENDER CHECKLIST

1. Identifying the need – is the purchase necessary?

Before starting any procurement process, it is important to establish whether it is essential to purchase.

- Establish whether there is a clear business need for the product or service. The procurement should be essential for the conduct of normal business or to improve performance. Stating that the need for the procurement 'is a good idea' is not a sufficient business case.
- Ensure that the business case addresses future phases of the service or purchase of goods that may be required.
- Determine whether the products or services are already readily available within your organisation.

2. Writing the specification

Once the need for, and what is needed from, a supplier or service provider has been established, the specification of requirements needs to be developed.

- Base the specifications on the needs identified in the business case.
- Ensure that the specifications are clear and comprehensive but not discriminatory (use generic technical specification and avoid proprietary brand names).
- Ensure that the specifications present the optimum combination of whole-life-costs and/or price, where appropriate, and quality (or fitness for purpose) to meet your requirements.

3. Estimating cost

A realistic estimate of all phases of the service or product is essential as this will influence the procurement procedure to be followed and is important for budgeting purposes.

- Prepare a realistic estimate of all phases of the service or product.
- Establish whether funds are available to meet the purchase?
- Determine whether the estimate (exclusive of VAT) is over the relevant EU procurement threshold (see Appendix I)

4. Securing approvals and funding

Once a realistic estimate of cost is available the relevant budget holder should be requested to approve the expenditure.

- Ensure that all necessary approvals are sought in adequate time.

5. Determining the best procurement strategy

Adopt a procurement strategy that will minimise casual or 'once-off' purchases and promote best value.

- Check if your organisation already has a draw-down contract or framework agreement in place for the product/service.
- If such an arrangement does exist but is not being used on this occasion, document the reasons why.

6. Deciding on the tendering procedure that should be followed

Following an appropriate competitive tendering procedure will avoid breaches of national procurement policy and EU Procurement Directives. The type of competitive process to be followed can vary depending on the size and characteristics of the contract to be awarded and the nature of your organisation. There are two general types of procedure which may be used: an open procedure, where all interested parties are invited to tender and a restricted (or selective) procedure where only those deemed to have the necessary capacity and expertise are invited to tender. (Sections 5 and 6.13 of Public Procurement Guidelines – Competitive Process should be consulted for details of how these procedures apply under national and EU rules).

- Conduct an appropriate competitive tendering procedure.
- For contracts below the relevant EU procurement thresholds, follow the steps set out in Appendix II.
- For contracts above the relevant EU procurement thresholds, follow the steps set out in Appendix III.

7. Preparing your Request for Tender (RFT)

A sample RFT can be viewed on www.etenders.gov.ie. A set of 'tips' for preparing your RFT, together with a list of the sections normally included in a RFT, are provided in Appendix IV:

- Ensure that the RFT is clear and comprehensive. Clarity and completeness at this stage will help eliminate the need for clarifications later.
- Set out all the criteria that will be applied in the award process, together with the relative weightings of each. This is a vital part of the process. These criteria will form the basis against which tenders will be comparatively evaluated and are the key to an objective, transparent award procedure.
- Specify any special conditions of tender, FOI clause, required format of tender responses etc.

8. Allowing sufficient time for submission of tenders

Allow suppliers an adequate period for the preparation of tenders.

- Allow suppliers sufficient time for submitting the necessary information and preparing the tenders (taking into account holiday periods etc.).
- In the case of contracts in excess of EU Directive thresholds, ensure that the timescale complies with the minimum periods specified in the Directives.

9. Issuing tender documents, supporting documents and clarifications without delay

Responses to requests for information, requests for tender documents and other supporting documentation (if not made available electronically on the etenders website) must be issued without delay.

- Issue tender documents and responses to requests for additional information in good time
- Ensure that additional information supplied to one party, in response to a request, is supplied to all interested parties if it could be significant in the context of preparing a tender.

10. Receipting and opening tenders

You should ensure that proper procedures are in place for opening tenders.

- Return late tenders unopened to the tenderer and record their existence and time of arrival.
- Open all tenders (received on time) together as soon as possible after the designated latest time and date set for receipt of tenders.
- Arrange for the opening of tenders to take place in the presence of at least two officials of the contracting authority.
- Ensure that a clear and formal independently vouched report of the tenders received is produced.

11. Clarifying tenders

You may seek additional information in clarifying submitted tenders.

- Ensure that any clarification of tenders does not result in substantive alterations to bids after the deadline for submission has passed.

12. Evaluating tenders

The evaluation and award process must be demonstrably objective and transparent and based solely on the criteria published in the RFT. This is best achieved by the use of a scoring system based on all the relevant weighted criteria, indicating a comparative assessment of tenders under each criterion.

- Arrange for the evaluation of tenders to be carried out by a suitably competent team.
- Evaluate price exclusive of VAT.
- If price is the sole criterion, award the contract to the lowest priced bid complying with the specified requirements.
- If the 'most economically advantageous tender' is the basis for award, award the contract to the tender that best meets the relevant published criteria.

13. Notifying tenderers

Unsuccessful candidates and tenderers for any public contract should be informed of the results of the tendering process without delay.

- In the case of contracts covered by the EU Directives, allow a 14 calendar day interval (or seven calendar days in the case of a contract advertised under an accelerated procedure due to urgency) between notifying unsuccessful tenderers of the outcome of the tendering procedure and the formal award of contract.

14. Debriefing unsuccessful tenderers

Apart from observing the legal obligations where the provisions of the procurement Directives apply, where contracts are awarded on the basis of the most economically advantageous it is good practice to adopt a voluntary constructive policy on de-briefing unsuccessful candidates.

- Offer unsuccessful tenderers debriefing.
- In the debriefing, provide an objective assessment of the comparative strengths and weaknesses of the unsuccessful tender.
- Give due regard to commercial sensitivity and the need to avoid compromising the rights or competitive situation of other tenderers.

15. Checking tax clearance certificates

Before a contract is placed the supplier or service provider must hold a current Tax Clearance Certificate. This can be verified online using www.revenue.ie "What can I do online", "Tax Clearance". Prior permission of the applicant must be sought, and the Customer number and tax clearance certificate number quoted. For efficiency and to reduce the administrative burden, contracting authorities are encouraged to use this online facility but if the supplier or service provider does not

give permission to verify online then an original current Tax Clearance Certificate must be produced before formally awarding the contract.

- Ensure that the supplier or service provider is tax cleared by either verification online or by producing an original current Tax Clearance Certificate.

16. Awarding the contract

The contract should be awarded to the supplier or service provider that is best able to fulfil your requirements (selected in accordance with the award criteria), whose bid is within budget and in all other respects complies with the RFT, approval requirements, public procurement law and national guidelines.

- Record in the contract document(s) all terms and special conditions that apply, including health and safety requirements, insurance etc.
- Attach a specification to the contract document(s) which reflects the solution proposed by the successful tenderer.
- Ensure that the contract specifies clearly the roles and responsibilities of both the client and the supplier/service provider – what needs to be done, by whom and how much it will cost.

17. Publishing a contract award notice

For contracts above the EU thresholds, you are required to publish certain information in the OJEU on contracts awarded within 48 days of the award. For contracts below EU thresholds, you are encouraged to publish a notice on the etenders website, to aid the transparency of the procurement process (and, possibly, reduce or eliminate enquiries from non-participants about the award of a contract) and to facilitate the compilation of statistical information required by the EU Commission.

- Submit the necessary information online via the etenders site on the standard 'Contract Award Notice'.

18. Managing the contract

The management stage of a contract is where value for money (VFM) gained during the preceding stages is realised. A contract needs to be effectively managed by the user, not just left to the supplier. Proactive involvement in the management of the contract is essential to maximise VFM.

- Have a programme of checking work/goods against the specification.
- Ensure that there are procedures for identifying inadequacies/poor performance and for remedial action.
- Maintain a record of supplier performance.

- At the conclusion of the contract, review the whole procurement process, not just the supplier's performance but also the effectiveness of the earlier stages. This review process can provide information for future procurements – in respect of developing and specifying needs, supplier selection and contract management.

APPENDIX 10- ENVIRONMENTAL, SOCIAL AND LABOUR PROVISIONS

The 2016 Regulations require tenderers to comply with applicable obligations in the fields of environmental, social and labour law that apply at the place where the works are carried out or the services provide that have been established by EU law, collective agreements or by international, environmental, social and labour law.

The requirement features in key aspects of the new rules at relevant stages in the procurement process, i.e. when applying the discretionary Exclusion Grounds, when deciding whether to award a contract to the most economically advantageous tenderer, when assessing abnormally low tenders and, where appropriate, in relation to subcontracting. Contracting authorities must also take appropriate measures to ensure contract performance is in accordance with these obligations.

The 2016 Regulations promote the use of public procurement as an important strategic policy instrument. Contracting authorities can stipulate criteria linked to the production process awarding more marks, for example, to sustainable production processes or fair trade, or requesting eco-labels or environmental management measures. Contracting authorities may also, where appropriate, use Award Criteria or contract performance conditions to encourage or mandate the employment of long-term job-seekers or training for unemployed or young persons during the course of the contract.

Comprehensive guidelines on incorporating environmental and social considerations into public procurement are available on www.ogp.gov.ie/information-notes/.

The obligations on suppliers in relation to compliance with labour law in order to participate are reflected in the template RFT and contract documents for goods and services (Appendix 3).

APPENDIX 11- MODEL LETTERS

Model letters for below threshold – open competition

- Letter to the preferred tenderer (successful tenderer) and
- notice to unsuccessful tenderer at evaluation stage

Templates available in the company folder:

“Model Letter (Below Threshold)”

\\ifbdub\Company\Public\Staff Policies\10. SI Procurement

Model letters for above EU threshold- open competition

- Letter to Non-Compliant Tenderer or a Tenderer who does not meet the Selection Criteria (where notification is sent before the award decision is made)
- Standstill letter to Non-Compliant Tenderer or a Tenderer who does not meet the Selection Criteria and who has previously been notified
- Letter to Non-Compliant Tenderer and/or Tenderers who have not met the Selection Criteria who have not previously been notified
- Letter to the Highest Ranking Tenderer seeking documentary evidence prior to award decision
- Letter notifying Tenderer who fails to qualify on evidence submitted
- Standstill Notice to Unsuccessful Tenderer
- Letter to the Preferred Tenderer (Successful Tenderer)

Templates available in the company folder:

“Model letter (Above EU Threshold)”

\\ifbdub\Company\Public\Staff Policies\10. SI Procurement