



# Procurement Policy – Cork City Council

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# Cork City Council Procurement Policy

## 1 Executive Summary

Cork City Council’s procurement policy is to undertake all procurement in a manner that is consistent with and in adherence to European Directives, national legislation, policy and guidelines. Specifically this means compliance with the following:

- EU Directives:
  - **Public Procurement:** Directive 2014/24/EU on public procurement
  - **Utilities:** Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors, and
  - **Concessions:** Directive 2014/23/EU on the award of Concession Contracts
- National Legislation: Statutory Instruments giving effect to the above Directives
- Capital Works Management Framework: Dept of Finance Circular 06/10 For Works and Works Related Services
- Public Procurement Guidelines For Goods And Services: Office of Government Procurement Updated January 2019
- Circular 16/13: Revision of arrangements concerning the use of Central Contracts put in place by the National Procurement Service

The estimated value of the procurement is what determines which of these apply.

Order and/or contract value	Procurement Rules
<b>Goods &amp; Services</b> - Less than €5,000; - €5,000 to €25,000 - €25,000 to EU Threshold (€214,000)	Public Procurement Guidelines For Goods And Services: Office of Government Procurement July 2017 <a href="http://ogp.gov.ie/public-procurement-guidelines-for-goods-and-services/">http://ogp.gov.ie/public-procurement-guidelines-for-goods-and-services/</a>
<b>Works &amp; Works Related Services</b> - Less than €5,000 - €5,000 to €50,000 - €50,000 to EU Threshold (€5,350,000)	Capital Works Management Framework: Dept of Finance Circular 06/10 For Works and Works Related Services & Circular 10/14
<b>EU Threshold Values apply:</b> <u>Supplies &amp; Services</u> Above €214,000  <u>Public Works Contract</u> Above €5,350,000	Directive 2014/24/EU on public procurement

In addition this policy sets out internal Cork City Council procurement processes which must be followed in relation to receipt of tenders, pre procurement approval and annual planning and reporting.

## 2 Introduction

The purpose of this policy is to ensure that procurement throughout Cork City Council is consistent with European and National legislation, policy and guidelines. 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.

### 2.1 Compliance with City Council Procurement Policy.

It is the responsibility of each staff member to comply with the EU Procurement Directives and Cork City Council policies as set out in this document. Non-compliance with this policy will be considered a serious matter and may result in disciplinary action being taken against an employee or employees in line with Cork City Council Grievance and Disciplinary Policy (*available on the intranet under People and Organisation Development, Industrial relations section*).

### 2.2 How to use this Policy.

Procurement in Cork City 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 is based in the Finance Department and the role of the Unit is to provide 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.

The Procurement of Goods, Services and Works should only be commenced when it is ensured that adequate funding is in place and on the authorisation of the cost code holder.

The Council's procurement is subject to both domestic and EU legislation which forms the basis for much of the policies within this document. In many cases it will be necessary to consult with the legislation itself where the value falls above the EU Threshold amounts. It must be noted that in addition to these procedures it may be necessary to comply with Government department circulars and procedures that issue from time to time.

#### **Additional Guidance is available in the following websites.**

National Public Procurement Website

[www.etenders.gov.ie](http://www.etenders.gov.ie)

O.G.P. Website

<https://ogp.gov.ie/>

European Commission Website

[market/public-procurement\\_en](https://ec.europa.eu/growth/single-market/public-procurement_en)

<https://ec.europa.eu/growth/single->

Irish Gov. Website	<a href="https://www.gov.ie">https://www.gov.ie</a>
European Union Website	<a href="https://europa.eu/">https://europa.eu/</a>
Construction Procurement	<a href="https://constructionprocurement.gov.ie/">https://constructionprocurement.gov.ie/</a>
Supply Gov.	<a href="https://www.laquotes.ie/">https://www.laquotes.ie/</a>

### 2.3 Legislation:

All Procurement in Cork City Council must adhere to the following legislation pertaining to the Public Sector.

- Directive 2014/24/EU (Public Sector) transposed by SI 284 of 2016
- Directive 2014/23/EU (Concessions) transposed by SI 203 of 2016
- Remedies Directive 89/665 as amended by Directive 2007/66 transposed by Irish Remedies Regulations SI 130 of 2010 (as amended)
- European Union (Award of Public Authority Contracts) Regulations 2016
- Circular 10/14
- Remedies Regulations SI 130 of 2010 (as amended)

It is the responsibility of staff involved in purchasing goods, services or works for Cork City Council to be familiar with this legislation. Assistance is available from the Procurement Unit and through the Procurement Portal on Alfresco.

### 2.4 Definitions

There is a comprehensive list of definitions set out in the Glossary on page 78 of the OGP Public Procurement Guidelines for Goods and Services. <http://ogp.gov.ie/public-procurement-guidelines-for-goods-and-services/>

### 2.5 Public Procurement Principles

Public Procurement Principles are enshrined in the Treaty of Rome. These principles apply 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.

## 2.6 Record Keeping

The most integral element to demonstrating procurement compliance is the ability to provide documentary evidence to support decisions made. Article 84 of the Directives specifically outlines the minimum information contracting authorities are obligated to retain for EU Threshold procurement. While the directives do not explicitly set out the levels of record keeping required for other procurement types retaining documentary evidence outlining decisions made in a legislative context serves to assist buyers in demonstrating considered decision making and compliance subsequently.

A Tender Report should be compiled and all documentation regarding Tender Competition should be held by the person who ran the procurement competition (quote or tender). The current procurement retention schedule is available on alfresco which at time of print was 24 years for above EU Threshold competitions and 7 years for National Level Competitions.

<https://alfresco.corkcity.ie/share/page/site/procurement-portal/document-details?nodeRef=workspace://SpacesStore/0fa6ff89-f435-4e4c-a94b-f60e7790c9a8>

While the facility exists on etenders to store internal documentation this should not be used as a document depository and copies of all relevant documentation should be held locally.

## 2.7 Urgency

Accelerated time limits are permitted where the requirement is 'urgent' "Where a state of urgency duly substantiated by the contracting authorities renders impracticable the [normal] time limit..."

Note that the Regulation makes it clear that the urgency must be brought about by events unforeseeable by and circumstances not attributable to the authority (see 6. Urgent Situations p28)

## 2.8 DPER Circular 10/14: Initiatives to assist SME's in Public Procurement

Cork City Council is committed to helping prospective suppliers to understand the Council's procurement and purchasing processes. In this respect, guidance by DPER Cir 10/14 in its procurement activities must be consulted prior to undertaking 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.

To promote SME participation contract opportunities must be advertised and Contract Award Notices published for all contracts valued above €25k. The full circular is available at: [Circular 10/2014 Initiatives to Assist SMEs in Public Procurement 2014](#)

## 2.9 Freedom of Information

Public Bodies are required to treat all tenders as confidential until such time as the contract is awarded. Subsequently each FOI request must be assessed on a case by case basis. Information may be requested on records relating to a tendering procedure under the Freedom of Information Act 2014. Some records may be exempt under the provisions of the Act on grounds of confidentiality or commercial sensitivity. The Freedom of Information Officer should be consulted where any issue arises.

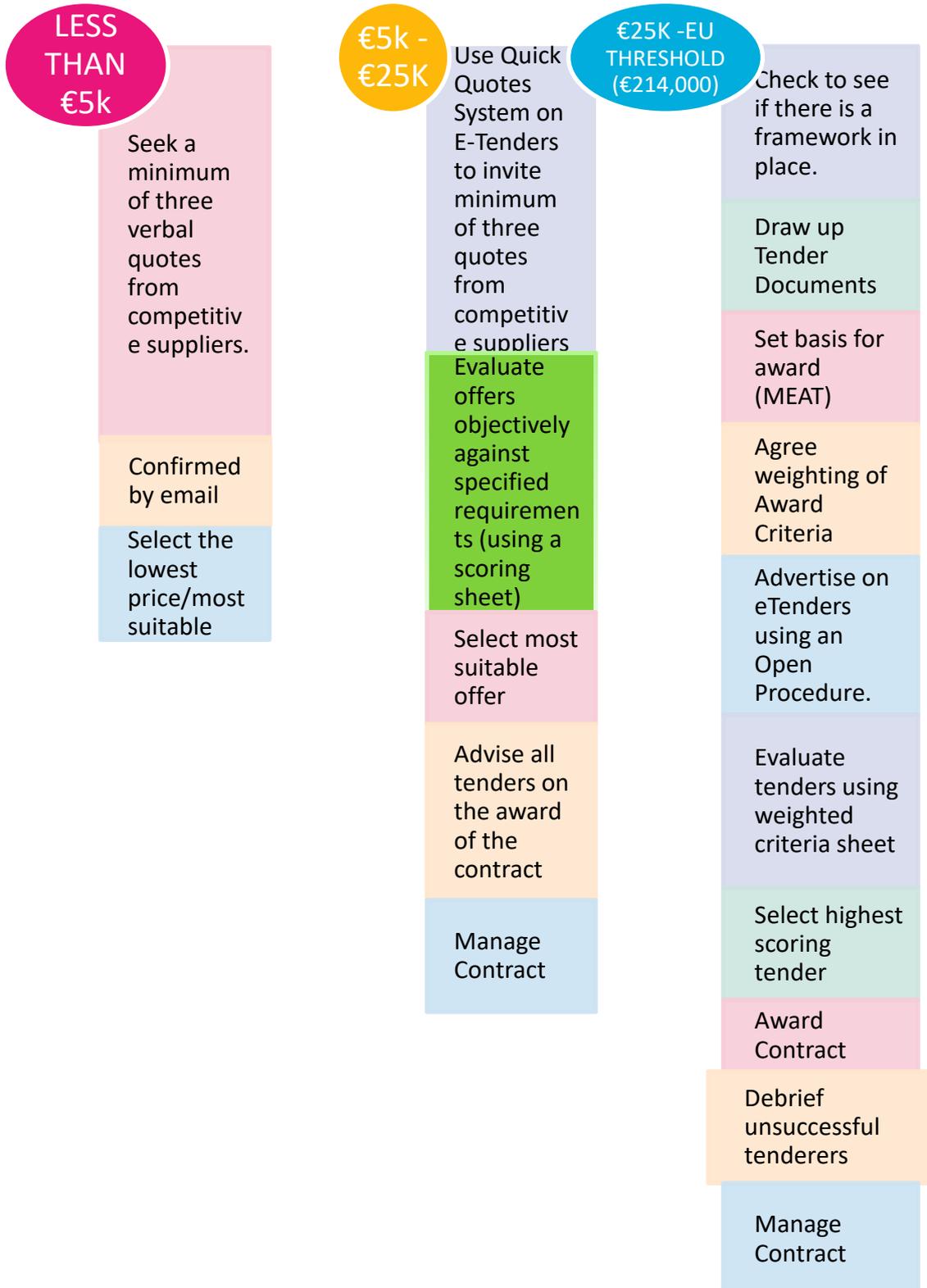
The model publication scheme gives details of all Public contracts awarded including contract type, contractor, value, award date, duration and brief description (tabular format) over €10k for ICT and over €25k for other contracts.

### 3 Sub EU Threshold Procurement

#### 3.1 Overview

The Procurement Policy is to adopt the Public Procurement Guidelines for Goods and Services as issued by the OGP for all below threshold requirements. This document sets out the following requirements for under threshold procurements as follows;

#### Summary of Sub EU Threshold Procurement Steps for Goods and Services



### 3.2 Summary of Sub EU Threshold Procurement Steps for Goods and Services

- A. For contracts less than €5,000 a minimum of three verbal quotes from competitive suppliers should be sought (supplied by email). Use quick quotes if it is considered a critical procurement (consultancy etc).
- B. For contracts between €5,000 and €25,000 three quotes should be sought through the Quick Quote System on Etenders.
- C. €25,000 to EU Threshold of €214,000. Full tender competition should be ran on etenders.

It is important that quotations are not requested frequently for the same goods or services. In this case a tender should be publicly advertised instead.

### 3.3 Policy when only one Supplier exists (Goods and Services):

All reasonable efforts should be made to receive a minimum of three quotes for A and B above. In the rare cases where there is only one supplier for the goods or service required a note from the Appropriate Grade (Senior Staff Officer or equivalent) should be forwarded to the Procurement unit outlining the efforts made to receive three quotes and retained on file for Audit Purposes.

## Summary of Sub EU Threshold Procurement Steps for Works and Works related Services.

Up to €1,000	<ul style="list-style-type: none"><li>• Get a minimum of one quote based on experience of value for money</li></ul>
Between €1,000 and €5,000	<ul style="list-style-type: none"><li>• Get a minimum of three quotes.</li><li>• Confirmed by email.</li><li>• Select the lowest price most suitable</li></ul>
5K to 50K	<ul style="list-style-type: none"><li>• Use Quick Quote facility on Etenders to seek a minimum of five quotes from competitive suppliers.</li><li>• Evaluate offers objectively against specified requirements (using a scoring sheet).</li><li>• Select most suitable offer.</li><li>• Advise all tenders on the award of the contract.</li><li>• Manage Contract</li></ul>
50K to EU Threshold €5,350,000	<ul style="list-style-type: none"><li>• Check to see if there is a framework in place.</li><li>• Select the correct Procedure. Should be Open Procedure up to €250,000. Restricted Procedure can be used for over €250,000</li><li>• Draw up Tender Documents.</li><li>• Advertise on Etenders/Supply Gov.</li><li>• Evaluate Tenders based on Suitability and Cost.</li><li>• Award Contract.</li><li>• Debrief Unsuccessful tenderers.</li><li>• Manage Contract</li></ul>

### 3.4 Summary of Sub EU Threshold Procurement Steps for Works and Works Related Services

- A. For contracts up to €1,000 get at least one quote based on experience on value for money.
- B. For contracts under €5,000 get three quotes confirmed via email. Select the lowest price most suitable
- C. For contracts for projects between €5,000 and €50,000, five firms should be invited for quotes based on the Capital Works Management Framework Guidance Note 2.3Section 3.2 <http://constructionprocurement.gov.ie/guidance-notes/>. The five quotes should be sought through the Quick Quotes system on etenders and the lowest price most suitable selected.
- D. Under Circular 10/10 contracts over €50,000 should be advertised on eTenders. It is required that for such contracts under €250,000 the open procedure should be used. For contracts that are over this level the restricted procedure can be used as appropriate up to the EU threshold, currently at €5,350,000.

### 3.5 Policy when only one Supplier exists (Works):

All reasonable efforts should be made to receive a minimum of five quotes for B above. In the rare cases where there is only one supplier for the specific works or works related service a note from the Appropriate Grade (Senior Staff Officer or equivalent) should be forwarded to the Procurement unit outlining the efforts made to receive five quotes. Copies should be retained for Audit Purposes.

Type of Procurement	Access to Templates & Guidance on use	Issued by
Below EU Threshold goods and services	<a href="https://alfresco.corkcity.ie/share/page/">https://alfresco.corkcity.ie/share/page/</a>	LGMA – for LG sector only
Above EU threshold goods and services	<a href="https://alfresco.corkcity.ie/share/page/">https://alfresco.corkcity.ie/share/page/</a>	OGP – all public sector
Works & construction related services	<a href="http://constructionprocurement.gov.ie/">http://constructionprocurement.gov.ie/</a>	Government Contracts Committee for Construction (GCCC)

It is Cork City Council’s policy to use the above template documentation where the nature and complexity of the Council’s requirements can be met. For all routine goods and services it is anticipated that these templates will be sufficient. Use of this documentation is mandatory for all quotations as the quotation process is only suitable for straightforward procurements

A summary listing of all the documentation available is set out in Appendix 2

## 4 Above Threshold EU Rules

### 4.1 Introduction

Detailed guidance is provided on above threshold EU rules are included in Public Procurement Guidelines For Goods And Services are covered in the section entitled *Tendering Phase Above Threshold – EU Rule*, beginning on page 38.

### 4.2 Contact Office of Government Procurement

Before undertaking any procurement Cork City Council should contact the Office of Government Procurement to see if there are any existing or planned procurement arrangements which may meet their needs. The OGP is also available to provide procedural advice and administrative assistance with any procurement process.

### 4.3 OJEU Notices

Standard OJEU Notices are available on eTenders and can be processed through eTenders which automatically transmits to the OJEU. The accurate completion of the publication notices is crucially important.

### 4.4 Prior Information Notice (PIN)

The PIN is normally submitted by the contracting authority at the start of the budgetary year and sets out the categories of goods and services likely to be procured during the year. While this is not mandatory it is encouraged as it reduces time limits. See time limits below 5.B.3. A Pin notice must be published between 35 days and 12 months before the contract notice to allow the reduction in time limits mentioned in 5.B.3

### 4.5 Contract Notice

Contract Notices are generally used as the means of calling for competition in respect of all procedures and should be published in the OJEU (which may be accessed via eTenders). The information which is required to be provided in the Contract Notice is set out in Part 3 of Schedule 3 of the 2016 Regulations.

### 4.6 ESPD

The European Single Procurement Document is a self-declaration form used in public procurement procedures by contracting authorities and economic operators (suppliers) across the EU. Before the introduction of the ESPD, suppliers were required to submit various documents to prove that they fulfilled the exclusion and selection criteria of a tender, for example that they had paid taxes and had not been convicted of criminal activity. Now, suppliers are able to meet these obligations with a single ESPD self-declaration form. The ESPD is done electronically through Etenders. The buyer sets the specific requirements when creating the ESPD.

## 4.7 General Regime

The procurement of all goods and most services contracts require the full application of the public procurement rules in the 2016 Regulations. It is a legal requirement that contracts with estimated values equal to or above the EU thresholds must be advertised in the OJEU (which may be accessed via [eTenders](#)) and awarded in accordance with the provisions of the 2016 Regulations. Any infringement of the terms of the Regulations can have serious legal and financial consequences for Cork City Council.

The 2016 Regulations also introduced a simplified award regime (a “light-touch” regime) for certain services, notably health, social, educational and cultural services, to take into account the specific nature of these services. The Public Procurement Guidelines issued by the OGP details the rules in relation to the Light Touch Regime in Appendix IV.

## 4.8 Overview of the Types of Procedure

The most commonly used procedure is the **Open Procedure**. The advantage of the Open Procedure is that it invites an unlimited amount of offers and, therefore, unlimited competition (unlike other procedures there is no maximum number of participants). Its main disadvantage to contracting authorities is the potential administrative burden of having to examine a large number of tender documents. Accordingly, this procedure may not be appropriate for complex procurements.

The **Restricted Procedure** tends to be used where there is a need to pre-qualify suppliers where there is evidence that the number of potential suppliers is very large or where a contracting authority wants to limit the number of people who will have access to certain confidential and/or sensitive information. It can also be used to spark interest from the private sector. Firms are more likely to apply to qualify and then do full tender documents if they make the final 5 rather than fill out full tender documents in an open competition. The procedure reduces the number of candidates (and the paperwork) to be examined by the contracting authority. This can only be used for contracts above €144,000 for Goods and Services and above €250,000 works.

The **Competitive Dialogue Procedure and the Competitive Procedure with Negotiation** may only be used for works, goods and services contracts where one or more of the following circumstances apply:

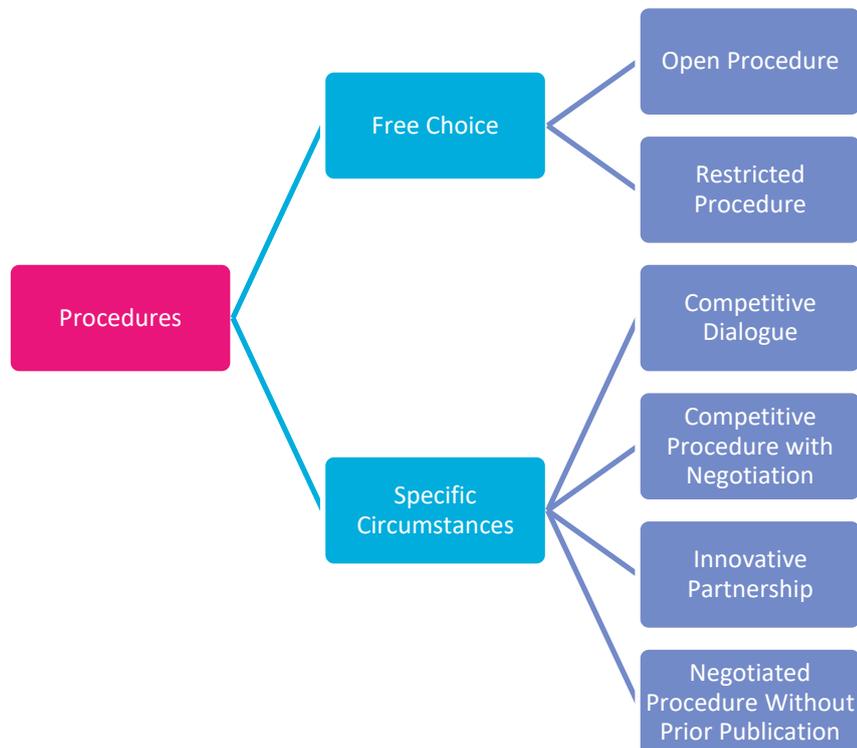
- the needs of the contracting authority cannot be met without adaption of readily available solutions
- the contract includes design or innovative solutions
- the technical specifications cannot be established with sufficient precision
- a contract cannot be awarded without prior negotiation because of specific circumstances related to the nature, the complexity or the legal and financial make-up or because of risks attached to the works, goods or services
- in response to an Open or Restricted Procedure where only irregular or unacceptable tenders were submitted

These procedures tend to be used in the case of complex high-value projects where the above conditions are met, e.g. a major integrated transport infrastructure project or a large computer networks project. They are not intended to be used for off-the-shelf

goods and services which are available from many different suppliers on the market. In relation to the difference between the two procedures, the Competitive Dialogue Procedure provides for some clarification and optimisation after the final call for tenders making it much better for highly complex outcome based procurement. It offers a more structured procedure than the Competitive Procedure with Negotiation and arguably, therefore, offers more safeguards for contracting authorities. However, it offers less scope for negotiating once the contracting authority has identified a solution/solutions for meeting its needs. The Competitive Dialogue procedure can also be very expensive to run both in cash and resource terms.

A more detailed description of each the six procedures and the procurement rules in the 2016 Regulations is set out in Public Procurement Guidelines for Goods and Services on the Procurement Portal <https://alfresco.corkcity.ie/share/page/site/procurement-portal/document-details?nodeRef=workspace://SpacesStore/6efd075f-e3b9-42a2-ad8a-8db54bfc7610>

### A Summary of the Types of Procedure



#### 4.9 Post Award

Details of contracts awarded on foot of procurement competitions which fall within the scope of this policy must be provided to the Procurement Unit. The information which will form the basis of a corporate contract register should include the name of the successful tenderer and the beginning expiry and review dates of all contracts included details of any extensions required.

This information should be provided to the Unit as soon as the contract is entered into by completing Part 2 Section E of the Pre Approval Form. It should be noted that all contracts advertised on e-tenders require a Contract Award Notice. This is the responsibility of the person running the tender competition on e-tenders.

#### 4.10. Contract Award Notice

Within 30 days of the award of a contract, Framework Agreement or Dynamic Purchasing System a Contract Award Notice must be sent to OJEU via eTenders. The information which is required to be provided in the Contract Award Notice is set out in Part 4 of Schedule 3 of the 2016 Regulations. The obligation to publish a Contract Notice in the OJEU extends only to the award of the Framework Agreement itself and does not apply to the award of specific contracts under the Framework.

However, in line with DPER Circular 10/14, contracting authorities are required to publish all Contract Award Notices over €25,000 on the eTenders website on completion of the award. This is a separate step to publishing on the OJEU aimed at facilitating measurement of SME participation in public procurement. In the case of a Dynamic Purchasing System, a Contract Award Notice is required to be published for each call-off contract.

## 5 The Procurement Life Cycle.



### 5. A Pre Tendering Phase

#### 5. A. 1 Identify Need

A clear business need for the good or service must be established by the buyer prior to initiating the procurement. 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. Future phases of the service or purchase of goods that may be required should be addressed in the business case. Part B of The Public Spending Code provides guidance on the Appraisal and Planning Stages of public projects before expenditure is incurred.

#### 5. A. 2 Calculate Contract Value

Based on previous experience or similar goods or service it is important to get an accurate estimate of what the Goods, Service or Works being procured will cost over the lifecycle of the contract (including any additional years mentioned in the RFT). This indicative price should be outlined in the tender documentation and should exclude

VAT. A decision on what threshold the procurement should fall into should then be made based on this estimate. Note that it is prudent to give between 10-15% extra leeway when choosing the correct threshold procedure as otherwise if you advertise under a lower threshold and all prices come in over the threshold you would have to retender again using the correct threshold procedures.

### 5. A. 3 Budget Approval

The budget holder should establish whether funds are available to meet the purchase, and ensure that all necessary budgetary approvals are in place in adequate time. The procurement of supplies and services is subject in all cases to the availability of financial resources. Therefore either an approved budget must be in place or funding arrangements have been approved by the Head of Finance/**Director of Service**.

### 5. A. 4 Annual Procurement Plan

Each Directorate/Department must prepare an Annual Procurement Plan at the beginning of each year and submit quarterly progress reports to the Procurement Unit. The Annual Procurement plan should at a minimum set out the action which will be taken to procure new requirements, contracts which expire during the year and any other recurring purchases which are not compliant. The report should set out who is responsible and the planned timelines. Plans to target areas to achieve savings, improve value for money or to get administration efficiencies in procurement should be set out. The current OGP or local government pipeline of planned procurement should be used as an input in the planning process. These plans should be submitted to the procurement unit prior to the beginning of each year to enable a Corporate Annual Procurement Plan be prepared.

### 5. A. 5 Internal Pre Approval Requirements

Before undertaking any procurement, the Procurement Unit should be contacted to establish if there are any existing or planned national procurement arrangements which may meet your needs.

As part of the planning phase of a procurement competition to be advertised on e-tenders, a Pre Procurement Approval Request Form set out in Appendix 1 must be completed in full, signed and submitted electronically to the Procurement Unit. Contracts must not be advertised until approval has been granted. Each section is expandable and forms should be typed, with signed scanned copies being e-mailed to the Procurement Unit: [procurementcorkcity@corkcity.ie](mailto:procurementcorkcity@corkcity.ie). There are a couple of things to note.

- Contracts must not be divided to be less than threshold for pre approval.
- Cork City Council's own requirements will be aggregated under a single procurement process and where available must utilise sectoral and national contracts where these meet the needs of the Council. This is to ensure that local resources are minimized and public sector buying power is leveraged. To comply

with aggregation requirements it is not just the immediate requirements which must be included but also potential future requirements.

Sufficient time should be allowed in planning each procedure to allow for approval to be received. A decision will be made by the Procurement Unit once all the necessary information is received and communicated back to the signee.

In the case of genuine emergencies, short term contractual needs can be met without pre approval however the Pre Procurement Approval Request Form must be completed at the earliest opportunity and the action taken justified. Emergencies must be as a result of factors outside the control of the Council and do not include situations arising due to inaction.

When planning procurement procedures it is not just the immediate need that should be considered but future requirements. Casual or 'once-off' purchases should be minimised by designing tenders to allow for potential future requirements where possible which will reduce procurement administration and obtain improved value for money

In cases where the planned procurement approach does not comply with the Council's Procurement Policy then a detailed justification for not applying the policy must be provided.

#### **5. A. 6 Specification**

The person responsible for carrying out the procurement should base their specifications on the needs identified in the business case and ensure that the specifications are clear and comprehensive and not discriminatory. In particular, specifications should use generic technical specifications and avoid proprietary brand names. It is vital that what is written down on the specifications covers everything that is required. Do not assume the supplier should understand what is meant. Be clear and leave no room for confusion. Every hour spent on the Spec saves two hours in potential problems afterwards. Award Criteria should be clearly outlined on the Tender Documents. Seek assistance from the Procurement unit.

#### **5. A. 7 Selection Criteria**

Selection Criteria tests Financial, Economic and Technical capacity of interested parties. Selection criteria in essence test the suitability of the company to be considered as valid tenders for open competition and suitable to invite for tenders for other procedures. Standardised Selection Criteria are available on all the standard tender documentation. This is done on the basis of self declaration and checked before award. Article 57 of the Directive 2014/24/EU deals with exclusion criteria (corruption, fraud, money laundering etc).

### 5. A. 8 Award Criteria

Award Criteria should be developed in keeping with the specification on the Request for tender document. You should choose Criteria that are important to the specific tender competition in question.

#### DO

- Ensure each part of the specification is covered by the award criteria
- Include a Price Criteria (Mandatory)
- Weigh each award criteria in terms of importance so it's vital you understand the need.
- Ask yourself how important is price
- Ask yourself how important are the other criteria.
- Weigh these accordingly in the Tender Documents.

Award Criteria must be

- Relevant
- Measurable
- Proportionate
- Capable of being assessed in a professional manner
- Must be included in the Tender documents.

You can only assess the Criteria that is in the tender documents and you can only assess them in the way specified in the documents.

#### DON'T

- Include random criteria
- Change the criteria or weighting or method of awarding marks from what's outlined in the Tender Documents

### 5. A. 9 Collaborative Procurement /Frameworks

It is the policy of Cork City Council 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. Cork City Council will work with the Office of Government Procurement (OGP), the Local Government Operational Procurement Centre (LGOPC) and other public bodies to achieve the benefits of collaborative procurement in accordance with national policy, DPER Circular 16/13.

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

made available by the OGP and advised to Directorates by the Procurement Unit, a response is required to confirm that framework will be utilized or if not the reasons must be provided in writing.

Full lists of the Frameworks are available on the OGP Webpage: [www.procurement.ie](http://www.procurement.ie).

### **5. A. 10 SupplyGov.ie**

SupplyGov.ie is a procurement system which facilitates Local Authorities and other state agencies in procuring goods and services from Suppliers and Contractors. The website has been developed by the Local Government Operational Procurement Centre (LGOPC) to streamline the procurement process of contracting authorities in respect of the operation of local authority led Category Councils for Plant Hire and Minor Building & Civil Works.

SupplyGov.ie operates two modules of procuring goods and services through Requests for Tenders (RFTs) and Requests for Quotations (RFQs). Requests for Tenders are mini competitions run under Frameworks.

## **5. B Tendering and Evaluation Phase**

### **5. B. 1 Publish**

It is Cork City Council's policy that all contracts for goods and services with an estimated value of more than €25,000 should be advertised on eTenders. The Procurement Unit will assist those placing advertisements on eTenders.

There are training manuals and help always available.

### **5. B. 2 Query and Clarifications during the Tender Process**

All queries and clarification made by the tenderer should only be made through eTenders globally to all. Replies to all these should be broadcast to all through eTenders.

### **5. B. 3 Time Limits**

There are no prescribed time limits in relation to below threshold procedures. However, sufficient time must be permitted for preparation and submission of tenders to allow for genuine competition and SMEs to participate in the tender process. As a general rule it is recommended that a minimum of 21 days be allowed for receipt of tenders where a more formal tendering process is used.

**National (Recommended)**

Procedure	Receipt of Expressions of Interest	Receipt of Tenders
Open National	N/A	21 days
Restricted National	21 days	21 days

**EU (Minimum Mandatory)**

Procedure	Min days for expression of interest	Minimum days for tenders	Minimum days for tenders with electronic submissions	Minimum days for tenders with PIN	Minimum days for tenders if urgency invoked
Open	N/A	35	30	15	15
Restricted	30 (15)	30 (Time limit for receipt of tenders may be set by agreement with all tenderers if provided for in national legislation)	25 (Time limit for receipt of tenders may be set by agreement with all tenderers if provided for in national legislation)	10	10
Competitive procedure with negotiation	30 (15)	30 (Time limit for receipt of tenders may be set by agreement with all tenderers if provided for in national legislation)	25 (Time limit for receipt of tenders may be set by agreement with all tenderers if provided for in national legislation)	10	10
Competitive Dialogue	30	None	None	None	None
Innovation partnership	30	None	None	None	None
Dynamic Purchasing System	30	10	10	10	10
Concessions	30	30 (if single stage) 22 (if 2 <sup>nd</sup> stage of multi stage)	17	17	17

- Tenders with Pin. Pin must be published between 35 days and 12 months in advance of contract notice. Estimated start date, CPV codes and short description of contract should be included in Pin
- The reduction to 15 days which is shown in brackets above for restricted and competitive competitions can only be enacted in urgent situations duly substantiated by the contracting authority.

#### 5. B. 4 Opening Procedure

It is Cork City Councils policy all tender replies should be submitted on eTenders via the Tender Post Box facility. When defining opening committee on eTenders, it is best practice to select at least 6 people as a minimum of 2 is needed to open tender box.

#### 5. B. 5 Evaluate Tenders.

The evaluation of Tenders should be carried out by a team with the requisite competency. Transparency and objectivity is required at all times. This is achieved by the use of weighted award criteria which has been clearly outlined in the Tender documents. Procurement rules provide two alternative evaluation processes.

- Lowest Tender Price  
or
- Most Economically Advantageous Tender (MEAT) in terms of specified criteria including qualitative criteria as well as a cost criterion.

You can only evaluate strictly based on the clear criteria set out in the Tender documents.

To evaluate the tenders a tender evaluation Committee should be appointed.

- Evaluation Committee should be appointed before publication of the RFT
- Should have at least 3 members
- The evaluation Committee should not include the person who will be approving the evaluation committee's recommendation.
- The evaluation Committee should include the person who wrote the Specifications.
- The committee should have read all the documents in advance of sitting as a group.
- It is a requirement to include the award criteria weightings in the tender documentation and all tenders must be evaluated against this criteria only.
- It is good practice that for all qualitative criteria that a minimum mark be given under which tenderers must meet in each of these criteria.
- Conflict of Interest and Confidentiality Agreement Evaluation form should be signed by all Committee members in advance.
- A record of the scores awarded under each criteria should be kept and should be signed by all of the Committee Members.

#### 5. B. 6 Qualifications

Tenders must not be qualified in any way and must be submitted in accordance with instructions on the RFT. Tenders must not include or be accompanied by any statement that could be construed as rendering the tender equivocal and/or placing it on a different footing to other tenders.

### 5. B. 7 Clarifications sought by Contracting Authority

A contracting authority can, under the 2016 Regulations, in certain circumstances request the tenderer to submit, supplement, clarify or complete information where information submitted by a tenderer appears, to a contracting authority, to be incomplete or erroneous or where specific documents are missing. Legal advice should be obtained before a contracting authority seeks any such clarifications from tenderers

- Clarifications should be done via etenders messaging system and only sent to the company who you seek clarification from.
- The purpose of the communication should be to clarify specific content of the tender only and must be done prior to finalising scores.
- The underlying theme should be that through clarifications the company who has been asked to clarify something on the tender do not get an opportunity to materially change their tender.
- The clarification should be sought on almost a yes no basis on a point of confusion in the tender document.
- It is important to ensure that re-negotiation does not occur and that only aspects of the original tender or Cork City Council's requirements are clarified or supplemented provided this does not result in discrimination or material change of the Council's requirements or adds to the tenderers original response.

### 5. B. 8 Abnormally Low Tenders.

The 2016 Regulations oblige contracting authorities to investigate tenders they consider abnormally low and to seek explanations from suppliers about the price or cost. In this context, acceptable explanations from tenderers could include:

- the economics of the manufacturing process or the construction method
- the technical solutions chosen
- any exceptionally favourable conditions available to the tenderer

The contracting authority may reject the tender where the evidence supplied does not satisfactorily account for the low price.

Rejection is mandatory in cases where the contracting authority has established that the abnormally low price or costs proposed results from non-compliance with all applicable obligations in the fields of environmental, social and labour applying under national and EU law and relevant international conventions at the place where the works are carried out or the services provided. Where it is found that the low price is the result of State Aid, the contracting authority may reject the tender if the supplier is unable to prove that the aid is compatible with EU

## **5. C Post Tendering Stage. (Award and Management of Contract)**

### **5. C. 1 Notifying Tenderers of Result.**

Successful tenderers and non successful tenderers should be informed without delay using the standard forms available in the template document section of the Procurement site on Alfresco under the etenders sub section. <https://alfresco.corkcity.ie>

### **5. C. 2 Standstill Period/ Standstill Notice.**

S.I. No. 130/2010 - European Communities (Public Authorities' Contracts) (Review Procedures) Regulations 2010.

<http://www.irishstatutebook.ie/eli/2010/si/130/made/en/print>

The above statutory instrument should be referred to regarding the standstill period. It states that the duration of the standstill period must be at least

- a. if the notice under Regulation 6 is sent by fax or electronic means, 14 calendar days or
- b. if the notice is sent by any other means, 16 calendar days

A contracting authority shall not conclude a reviewable public contract to which a standstill period applies under these Regulations within the standstill period for the contract

#### **Instruction to Unsuccessful Tenderers:**

The key points from the Statutory Instrument mentioned above are the purchasing authority

- shall inform the candidates and tenderers concerned of the decisions reached concerning the award of the contract, the conclusion of a framework agreement or admittance to a dynamic purchasing system, including the grounds for any decision not to award a contract, conclude a framework agreement or implement a dynamic purchasing system for which there has been a call for competition,
- shall state the exact standstill period applicable to the contract, and
- for each unsuccessful tenderer or candidate, shall include—
- in the case of an unsuccessful tenderer, a summary of the reasons for the rejection of his or her tender.
- the characteristics and relative advantages of the tender selected,
- the name of the successful tenderer, or, in the case of a framework agreement, the names of the parties to it, and
- the score obtained by the unsuccessful tenderer concerned
- the score obtained by the successful tenderer in respect of each criterion assessed by the contracting authority

When the competition has been completed and the Contract Awarded it is very important to inform the Procurement unit of the contract details. The second part of the pre approval form should be filled out and emailed to

[procurementcorkcity@corkcity.ie](mailto:procurementcorkcity@corkcity.ie). This allows Cork City Council to fulfill its obligations under the Model Publication Scheme. <https://foi.gov.ie/guidance/model-publication-scheme/>. This information also helps the Procurement Unit maintain its contract register.

Service Level Agreements should be drawn up to manage contracts. In terms of procurement compliance it is vitally important that the person who ran the Procurement competition monitors both the spend and the timeframe of the Contract they are responsible for.

### 5. C. 3 Contract Award Notice.

For contracts over the OJEU limit a contract award notice must be sent to OJEU through etenders. For all contracts over €25,000 a contract award notice must be published on etenders. This is a separate step to publishing on the OJEU aimed at facilitating measurement of SME participation in public procurement. In the case of a Dynamic Purchasing System, a Contract Award Notice is required to be published for each call-off contract.

### 5. C. 4 Modifications to Contracts.

The Contracting Authority must be extremely careful when considering modifications to contracts after Tender Competitions have been ran. Article 72 of the EU Directive 2014/24/EU sets out clear rules as to what can and can't be done in terms of modifications. The Full text of Article 72 is inserted here.

#### *Article 72*

##### **Modification of contracts during their term**

1. Contracts and framework agreements may be modified without a new procurement procedure in accordance with this Directive in any of the following cases:

(a) where the modifications, irrespective of their monetary value, have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses, which may include price revision clauses, or options. Such clauses shall state the scope and nature of possible modifications or options as well as the conditions under which they may be used. They shall not provide for modifications or options that would alter the overall nature of the contract or the framework agreement;

(b) for additional works, services or supplies by the original contractor that have become necessary and that were not included in the initial procurement where a change of contractor: EN L 94/136 Official Journal of the European Union 28.3.2014

(i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement; and

(ii) would cause significant inconvenience or substantial duplication of costs for the contracting authority.

However, any increase in price shall not exceed 50 % of the value of the original contract. Where several successive modifications are made, that limitation shall apply to the value of each modification. Such consecutive modifications shall not be aimed at circumventing this Directive;

(c) where all of the following conditions are fulfilled:

(i) the need for modification has been brought about by circumstances which a diligent contracting authority could not foresee;

(ii) the modification does not alter the overall nature of the contract;

(iii) any increase in price is not higher than 50 % of the value of the original contract or framework agreement. Where several successive modifications are made, that limitation shall apply to the value of each modification. Such consecutive modifications shall not be aimed at circumventing this Directive;

(d) where a new contractor replaces the one to which the contracting authority had initially awarded the contract as a consequence of either:

(i) an unequivocal review clause or option in conformity with point (a);

(ii) universal or partial succession into the position of the initial contractor, following corporate restructuring, including takeover, merger, acquisition or insolvency, of another economic operator that fulfils the criteria for qualitative selection initially established provided that this does not entail other substantial modifications to the contract and is not aimed at circumventing the application of this Directive; or

(iii) in the event that the contracting authority itself assumes the main contractor's obligations towards its subcontractors where this possibility is provided for under national legislation pursuant to Article 71;

(e) where the modifications, irrespective of their value, are not substantial within the meaning of paragraph 4.

Contracting authorities having modified a contract in the cases set out under points (b) and (c) of this paragraph shall publish a notice to that effect in the *Official Journal of the European Union*. Such notice shall contain the information set out in Annex V part G and shall be published in accordance with Article 51.

2. Furthermore, and without any need to verify whether the conditions set out under points (a) to (d) of paragraph 4 are met, contracts may equally be modified without a new procurement procedure in accordance with this Directive being necessary where the value of the modification is below both of the following values:

(i) the thresholds set out in Article 4; and

(ii) 10 % of the initial contract value for service and supply contracts and below 15 % of the initial contract value for works contracts.

However, the modification may not alter the overall nature of the contract or framework agreement. Where several successive modifications are made, the value shall be assessed on the basis of the net cumulative value of the successive modifications.

3. For the purpose of the calculation of the price mentioned in paragraph 2 and points (b) and (c) of paragraph 1, the updated price shall be the reference value when the contract includes an indexation clause.

4. A modification of a contract or a framework agreement during its term shall be considered to be substantial within the meaning of point (e) of paragraph 1, where it

renders the contract or the framework agreement materially different in character from the one initially concluded. In any event, without prejudice to paragraphs 1 and 2, a modification shall be considered to be substantial where one or more of the following conditions is met:

(a) the modification introduces conditions which, had they been part of the initial procurement procedure, would have allowed for the admission of other candidates than those initially selected or for the acceptance of a tender other than that originally accepted or would have attracted additional participants in the procurement procedure;

(b) the modification changes the economic balance of the contract or the framework agreement in favour of the contractor in a manner which was not provided for in the initial contract or framework agreement;

(c) the modification extends the scope of the contract or framework agreement considerably;

(d) where a new contractor replaces the one to which the contracting authority had initially awarded the contract in other cases than those provided for under point (d) of paragraph 1.

5. A new procurement procedure in accordance with this Directive shall be required for other modifications of the provisions of a public contract or a framework agreement during its term than those provided for under paragraphs 1 and 2. EN 28.3.2014 Official Journal of the European Union L 94/

### 5. C. 5 Management of Contracts

The OGP advise that the following steps should be followed in managing a contract.

- have a programme of checking goods or services against the contract specification
- ensure that there are regular procedures for reporting and for identifying inadequacies/poor performance and appropriate remedial action
- maintain a record of supplier performance
- review the whole procurement process at the conclusion of the contract, 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

## 5. C. 6 Maintain Records

A Tender Report should be compiled and all documentation regarding Tender Competition should be held by the person who ran the procurement competition (quote or tender). The current procurement retention schedule is available on alfresco <https://alfresco.corkcity.ie/share/page/site/procurement-portal/document-details?nodeRef=workspace://SpacesStore/0fa6ff89-f435-4e4c-a94b-f60e7790c9a8>

While the facility exists on etenders to store internal documentation this should not be used as a document depository and copies of all relevant documentation should be held locally.

## 6 Urgent Situations.

The Procurement Directives make provisions for negotiating a contract (without advertising) and for accelerating an advertised procedure in urgent and exceptional circumstances. However, “urgency” and “exceptional circumstances” are very narrowly interpreted by the European Court and the EU Commission. The instances where resorting to these provisions is justified will be very rare and maximum care must be taken before availing of them. The exceptional circumstances must be unforeseeable and must not arise due to any action or inaction on the part of the contracting authority. The use of this derogation is subject to the initial approval of the relevant Director of Services. The Procurement Officer and Internal Audit should both be notified within three days of the supplier being engaged..

When such a situation arises the responsible party must

- A. Get the written consent of the relevant Director of Service in advance of any Supplier being engaged.
- B. Inform the Procurement Officer and Internal Audit within three days of the supplier being engaged.
- C. Engage with the Procurement Unit and hold a debriefing meeting with the purpose of investigating whether procedures could be put in place to stop a reoccurrence.
- D. The Procurement Unit will then compile a report on the incident and forward to Internal Audit for their review.
- E. Internal Audit will then issue its recommendations where necessary to the relevant Director of Service and send a copy to the Procurement Officer.

## 7 Facilitating SME Participation.

Circular 10/14 promoting measures to improve SME participation in public procurement applies to all public sector bodies. The Capital Works Management Framework suite of guidance, standard contracts and generic template documents will continue to apply to works and works related services as set out in Circular 06/10.

The 2016 Regulations contain a number of provisions to make it easier for businesses and in particular SMEs to tender for Public Sector procurement contracts. Measures specifically designed to improve access for SMEs and start-ups include:

- the financial capacity criterion is generally limited to twice contract value
- electronic methods of communication are mandated in parts of the tender process
- the introduction of the European Single Procurement Document (ESPD), a self-declaration form aimed at reducing red tape for suppliers
- discretion to divide public contracts into lots, with the proviso that opting not to divide a contract into lots must be explained in the procurement documents or the report on the procurement process
- provision for “consortia bidding” may assist SMEs to participate in procurement procedures where they would not have the relevant capability or scale if they were to bid as sole tenderers
- explicit provision for pre-market discussion with suppliers and independent experts, subject to safeguards against distorting competition or violating transparency and non-discrimination principles
- reductions in the time limits for receipt of tenders by approximately 30% compared to the position under the 2006 Regulations
- Member States are required to report back to the Commission every three years on SME participation in public procurement

## 8 Environmental Considerations

The following three documents offer guidance on Green Procurement. All three are also available on the document Section of the Procurement Portal on Alfresco.

1. Green Tenders an action plan on Green Public Procurement  
<https://www.etenders.gov.ie/Media/Default/SiteContent/LegislationGuides/13.%20Green%20Tenders%20-%20An%20Action%20Plan%20on%20Green%20Public%20Procurement.pdf>
2. Green Procurement Guidance for the Public Sector.  
<http://www.epa.ie/pubs/reports/other/corporate/olg/greenprocurementguidanceforthepublicsector.html>
3. Buying Green a handbook on Green Public Procurement.  
<https://ec.europa.eu/environment/gpp/pdf/Buying-Green-Handbook-3rd-Edition.pdf>

Once a decision has been taken by a contracting authority to use environmental measures they should be clearly signalled at all stages of the procurement process from business case and specification stages through to the selection, award and contract management stages.

## 9 Frameworks

### A. OGP Framework Agreements:

In September 2013 the Department issued Circular 16-13 which requires Public Bodies to consider the use of the established framework agreements. The Office of Government Procurement state that contracting authorities should adopt a procurement strategy that will minimise casual or 'once off' purchases and promote best value. Contracting authorities should check if the O.G.P. has existing or planned procurement arrangements which may meet their needs. It is Cork City Council's Policy that National Frameworks should be used when there is a suitable one in place.

The procurer is responsible for.

1. Checking to see whether there is a framework in place that will suit their needs.
2. Use this framework unless they can provide documentary evidence on either economic or practical grounds why this framework isn't suitable. If this is the case they should state this clearly on the Pre Procurement Form with evidence to back up their findings.

### B. Setting up and subsequent use of City Council Framework Agreements:

Framework agreements are set up on foot of a competitive tender process.

#### **VERY IMPORTANT:**

The nature and scope of the agreement should be clearly defined as well as the nature and scope of future contracts awarded from the framework in the initial Tender documentation. The Value stated on the Framework should not be exceeded. The Framework is non compliant when this price is exceeded and would need to be retendered.

1. The type of framework should be clearly defined.
  - a. Single Supplier Framework
  - b. Multi Supplier Framework no initial contract and all contracts awarded by mini competition
  - c. Multi Supplier Framework initial contract and subsequent contracts awarded by mini competition
  - d. Multi Supplier Framework Cascade. Number 1 must always be offered each contract and number 2 offered only if number 1 declines. 3 if 1 and 2 decline etc.
2. Qualitative criteria for suppliers to get accepted into the framework and Award Criteria for subsequent contracts within the framework must be defined when advertising the framework.
3. The terms of awarding contracts under a framework must be set out in the tender notice or tender documentation when setting up the framework

4. The Duration of a framework should not exceed 4 years unless in exceptional circumstances where a longer period can be justified. Contracts awarded under a framework may extend over the termination date of the framework itself.
5. The value of the framework should be calculated on all contracts likely to be awarded over the lifetime of the framework. 40 Service contracts of €10,000 over the term of the framework would be a framework value of €400,000.
6. The spend on a framework should be monitored quarterly and when awarding a new contract from the framework. This is the responsibility of the person/directorate who set up the framework. The Framework must be retendered when the value stated on the tender Documents (when the Framework is put in place) is reached.
7. Notification Notices should be sent to successful and unsuccessful candidates clearly defining what they were successful and unsuccessful for. When a framework is broken into lots tenderers may be successful for some lots and not others. In this case they should be given successful notification for the lots they were successful for and unsuccessful notification letters for the lots they were not successful for. Standstill Notice should be in accordance with 5. C. 2 above specific to each lot/contract.

## 10 Procurement Template Documentation

Standardised procurement documentation suitable for all thresholds of tender procedures for Goods and Services can be found on the Procurement Site on Alfresco <https://alfresco.corkcity.ie/share/page/> in the template documents section.

Standardised Procurement documentation for work and works related services can be found on <http://constructionprocurement.gov.ie>

Type of Procurement	Access to Templates & Guidance on use	Issued by
Below EU Threshold goods and services	<a href="https://alfresco.corkcity.ie/share/page/">https://alfresco.corkcity.ie/share/page/</a>	LGMA – for LG sector only
Above EU threshold goods and services	<a href="https://alfresco.corkcity.ie/share/page/">https://alfresco.corkcity.ie/share/page/</a>	OGP – all public sector
Works & construction related services	<a href="http://constructionprocurement.gov.ie/">http://constructionprocurement.gov.ie/</a>	Government Contracts Committee for Construction (GCCC)

It is Cork City Council’s policy to use the above template documentation where the nature and complexity of the Council’s requirements can be met. For all routine goods and services it is anticipated that these templates will be sufficient. Use of this documentation is mandatory for all quotations as the quotation process is only suitable for straightforward procurements

### **Below EU Threshold goods and services**

The template documentation covers quotations, RFTs for contracts and framework agreements together with guidance documents for each of these. . Sub-threshold procurement runs from €1 - €214,000, and there is a subsequent range of complexity that can apply to procurement at this level. For this reason, a template contract and template terms and conditions have not been developed. However, a sample agreement and sample terms and conditions are included for supplies and services and these should be adapted to the needs of each individual procurement / contract. For more complex below threshold contracts legal advice should be sought. A summary listing of all the documentation available is set out in Appendix 2

Feedback from SMEs and micro-businesses indicates that small SMEs are not engaging in the public procurement process due to the complexity of tender documents and concerns have been raised regarding the consistency of templates used across local authorities ranging from very simple Request for Tender documentation to highly complex documents.

Therefore these sub sub-threshold procurement documents shall be used in an effort to support SMEs and micro-businesses and provide consistency in procurement across the sector. Cork City Council will make guidance documents available on the Procurement page of its website as these documents will form the basis of SME training by InterTradeIreland and LEOs.

### **Above EU Threshold Goods and Services**

Above EU threshold procurement involves significantly higher risk than below threshold. In an effort to mitigate this risk the Office of Government Procurement in conjunction with the Chief State Solicitors office has drafted a suite of documents including Request of Tender and Contract documents. In order to reduce the risk of running a procurement competition these template documents must be used where appropriate to the nature and complexity of the requirement being tendered.

### **Notification**

Sample letters for awarding below threshold contracts and notifying unsuccessful tenders can be found on the Procurement Site on Alfresco

<https://alfresco.corkcity.ie/share/page/>

## **11 Monitoring and Reporting**

### **Annual Procurement Planning**

Each Directorate / Department will produce an Annual Procurement Plan which should at a minimum set out the action which will be taken to procure new requirements, contracts which expire during the year and any other recurring purchases which are not compliant. The template as provided for by the Procurement Unit should be utilized for this purpose.

The current OGP or local government pipeline of planned procurement should be used as an input in the planning process. These Plans should be submitted to the Procurement Unit prior to the beginning of each year to enable a Corporate Annual Procurement Plan be prepared.

Quarterly Procurement Reports which include details of progress against objectives set out in the Annual Procurement Plans are to be submitted to the Procurement Unit at the end of each quarter. Based on the quarterly reports, a written report will be provided to the Senior Management Team (SMT) in advance of quarterly meetings.

### **Related Party Disclosures**

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

### **Accessible to persons with disabilities**

Section 27 (part 3) of the Disability Act 2005 states that "where a service is provided to a public body, the head of the body shall ensure that the service is accessible to persons with disabilities". This includes services and goods. Cork City Council's policy is to include the relevant accessibility requirements for people with disabilities in all stages of the tender process.

## 12 Buying for Social Impact.

### BSI – Buying for Social Impact

Buying for Social Impact (BSI) is a project commissioned by the Executive Agency for Small and Medium-sized Enterprises (EASME) and the European Commission Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW) to promote the use of social considerations in public procurement procedures.

The project has two main objectives:

- To encourage contracting authorities to use public procurement to pursue social goals;
- To Increase the capacity of social economy enterprises to take part in public procurement procedures and to access new markets.

The project covers 15 Member States: Croatia, the Czech Republic, Denmark, France, Germany, Greece, Hungary, Italy, Ireland, Latvia, the Netherlands, Poland, Romania, Slovakia and Sweden.

Community benefits that can potentially be included as contractual clauses include:

- Creating opportunities for enterprising third sector organisations to deliver public services
- Employment and training opportunities for the long term unemployed and disadvantaged individuals
- Creating opportunities for SMEs to deliver public services
- Provision of facilities for all
- Contributions to achievement of education and training targets
- Support for community initiatives
- Environmental targets

## Appendix 1



# Procurement Approval Procedure

## Pre Procurement Approval Form Part 1

### Section A – Tender Reference

Tender Reference No:

*(This reference will be assigned by the Procurement Section and must be used when publishing on e-tenders)*

### Section B - General Details

Name of Contract:

Directorate/Dept:

Business Unit(s):

Person Responsible for Procurement Process:

Contract Manager:

OGP Category Description:

### Section C - Short Description of the Goods / Services / Works to be Procured:

Total Estimated Value of Contract/Framework:

€

VAT Rate: \_\_\_\_\_%

## Section D – Please outline the Planned Procurement approach

<b>Advertised on e-tenders? If no please explain</b>	
<b>Which procedure is planned? Open / Restricted / Other</b>	
<b>Is it proposed to put in place a Contract or a Framework Agreement? Please specify why?</b>	
<b>Is this Procurement included in the Directorate Procurement Plan for this year.</b>	
<b>If using a Framework set up by Cork City Council please state the RFT I.D.</b>	
<b>If using a Framework state the Framework Expiry Date</b>	
<b>Can the contract requirements be met by an existing Cork City Council contract or a sectoral or national contract put in place by Kerry County Council/Office of Government Procurement?</b>	
<b>If a framework is in place but not deemed suitable please give full details why it's deemed unsuitable.</b>	
<b>If available, provide the list of potential suppliers that may bid on this procurement. If not, what level of response are you expecting to your tender invitation?</b>	

## Section E – Proposed Timeframes

Target Date to Advertise Tender	
Target Closing Date for Submissions:	
Target Award of Award:	

## Section F - Approvals

Role	Print Name	Signature:	Date
Prepared by person carrying out Procurement:			:
Approved by Cost Code Holder <sup>1</sup>			
Approved by Procurement Unit <sup>2</sup>			

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<sup>1</sup> The Cost Code Holder is confirming that the estimate in Section 2 is covered by an Available Revenue Budget/Capital Allocation

<sup>2</sup> Send to [procurementcorkcity@corkcity.ie](mailto:procurementcorkcity@corkcity.ie)

## Part 2: Post Procurement – Contract Details

Section G - Contract Details (on completion of procurement process)	
<b>Summary of Procurement Decision:</b>	
<b>Contracted Supplier Name and Full Address:</b>	
<b>Contracted Supplier Vat Number:</b>	
<b>Contract Award Date:</b>	
<b>Commencement Date of Contract:</b>	
<b>Expiry Date of Contract: (including details of options to extend)</b>	
<b>Type of Contract (Works/Supplies/Services)</b>	
<b>Single Contract or Framework</b>	
<b>Person Managing Contract (CCC)</b>	
<b>Value of Contract (ex vat)</b>	
<b>CE Order No.</b>	
<b>Contract Review Date</b>	

## Appendix 2

### Template Documents for Sub-Threshold Procurement in the Local Government Sector

The suite of template documents are:-

#### 1. Quotations

- 1A Request for Quotation (RFQ) for Services.
- 1B Quotation Response Document for Services.
- 1C Request for Quotation (RFQ) for Supplies.
- 1D Quotation Request Document for Supplies.

#### 2. Contracts

- 2A Request for Tender (RFT) for Contracts – Open Procedure.
- 2B Guidance for staff of Contracting Authorities (buyers) on completing a RFT for Contracts.
- 2C Sample Services Contract and Sample Terms and Conditions.
- 2D Sample Supplies Contract and Sample Terms and Conditions.

#### 3. Single Party Frameworks

- 3A Request for Tender (RFT) for Single Party Framework – Open Procedure.
- 3B Single Party Framework Agreement and Terms & Conditions.
- 3C Guidance for staff of Contracting Authorities (buyers) on completing a RFT for a Single Party Framework – Open Procedure.

#### 4. Multi-Operator Frameworks

- 4A Request for Tender (RFT) for Multi-Operator Framework.
- 4B Multi-Operator Framework Agreement and Terms & Conditions.
- 4C Guidance for staff of Contracting Authorities (buyers) on completing a RFT for a Multi-Operator Framework.

#### 5. Tender Response Documents

- 5A Tender response document for Services
- 5B Tender response document for Supplies

#### 6. Guidance Documents

- 6A Guidance for Suppliers on registering on [www.etenders.gov.ie](http://www.etenders.gov.ie).
- 6B Guidance for Suppliers responding to Tenders via [www.etenders.gov.ie](http://www.etenders.gov.ie)
- 6C Guidance for Suppliers on using [www.supplygov.ie](http://www.supplygov.ie).

#### 7. Insurance Guidance

- 7A Guidance from IPB Insurances Ltd. outlining appropriate insurance requirements.

Approval of Procurement Policy Version 5. 3<sup>rd</sup> December 2019.

To be implemented with effect from 27<sup>th</sup> January 2020.

Chief Executive Ann Doherty \_\_\_\_\_

Head of Finance John Hallahan \_\_\_\_\_

Director of Transition David Joyce \_\_\_\_\_

Director of Operations Valerie O'Sullivan \_\_\_\_\_

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Dir. of Community, C+P Adrienne Rodgers \_\_\_\_\_

Director of Corp. Affairs and Int. Rel. Paul Moynihan \_\_\_\_\_

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