



Document Control

Policy Title	Procurement Policy
Policy Number	042
Owner	Finance Manager
Contributors	SHS Audit Committee, Company Secretary, F&CS Senior Manager
Version	1.0
Date of Production	28 th May 2020
Review date	19 th May 2022
Post holder responsible for review	Financial Controller
Reference Procedure	None
Reference Form	None
Primary Circulation List	Senior Management Team
Web address	
Restrictions	None

Version Control

Version Number	Owner	Description	Circulation
1.0	Financial Controller	New policy	All

SUNBEAM HOUSE SERVICES POLICY DOCUMENT	Title: Procurement Policy
	Effective Date: 19th May 2020



1.0 POLICY:

1.1 The purpose of this policy is to promote best practice and consistency of application of the public procurement rules in relation to the purchase of goods and services in Sunbeam House Services (SHS).

As an organisation funded under section 38 of the Health Act, SHS is required under its Service Agreement with the HSE to have in place appropriate policies and procedures to ensure that it can demonstrate full accountability and probity as well as the highest ethical standards in respect of the public funds expended in the purchasing process. This policy and associated procedures relating to Procurement is informed by the National Financial Regulation NFR-01 and all relevant legislation.

1.2 This Policy should be read in conjunction with the documents and legislation listed in 6.1.2 below.

2.0 SCOPE:

This policy applies to all purchases of works, goods and services including the retention of consultants and advisors. The procedures detailed in the policy must be adhered to by all persons in SHS who have any level of responsibility for the purchasing of goods and services on behalf of the organisation.

This Policy applies to all staff, volunteers, contractors, the Board and agents acting in behalf of Sunbeam House Services.

3.0 ROLES & RESPONSIBILITIES:

3.1 The Board of SHS have overall responsibility for ensuring that SHS procurement practices are in compliance with Irish and EU Legislation.

3.2 The Chief Executive Officer is responsible for ensuring appropriate oversight of the implementation of the policy.

3.3 The Senior Management Team is responsible for establishing, operating and maintaining appropriate systems to support the implementation of this policy throughout the service. They will be responsible for providing support, advice and training as required to individuals within services who will be procuring goods and/or services. They will review all major contracts for supplies /services and will ensure that value for money is attained through the awarding of appropriate contracts. In this respect contracts are only awarded to suppliers who can demonstrate the necessary qualifications, capabilities, and experience in providing the required supplies, works or services. The form of contract to be used for general supply of goods and services will be set-out by the Financial Controller or CEO. This contract will be included in the tender documents sent to suppliers, so they are familiar with the terms and conditions which they will be required to agree to and this must include a right to conduct a risk assessment and audit of a vendor as deemed necessary by SHS. Any contract to be entered into will be approved by the relevant Senior Service Managers in conjunction with the Financial Controller or CEO.

Policy No. 042	Revision: 1.0
Page 2 of 14	Department: 004
Full Policy ID Number: 004.042.1.0	

SUNBEAM HOUSE SERVICES POLICY DOCUMENT	Title: Procurement Policy
	Effective Date: 19th May 2020



3.4 The Senior Service Managers (SSM's) are responsible for the implementation of this policy within their areas.

3.5 The Financial Controller in conjunction with the CEO are responsible for:

- supporting SHS to deliver genuine value for money, in particular around cost and /or quality in purchasing;
- Monitoring compliance with Government Procurement Policy and support the development of action plans to achieve compliance with that policy;
- Supporting Senior Managers in the making of key decisions, monitoring performance and championing changes in policies, procedures and working practises as appropriate;
- Developing an annual plan, in consultation with the SHS Audit Committee, which will set out key actions and targets for procurement across SHS, the performance of which will be reviewed at meetings of the SHS Audit Committee.

3.6 The CEO is responsible for ensuring that the value-for-money is attained in the organisation.

4.0 DEFINITION OF PROCUREMENT

4.1 Procurement is defined as the acquisition, whether under formal contract or otherwise, of works, supplies and services. It ranges from the purchase of routine supplies or services to formal tendering and placing contracts for large infrastructural projects.

4.2 Procurement policy and practice must conform to certain core principles and should therefore be:

- accountable;
- competitive in price and quality;
- non-discriminatory and provide for equality of treatment;
- fair and transparent and operate to the highest ethical standards; and
- conducted with probity and integrity.

5.0 The OGP AND THE HBS

5.1 The Office of Government Procurement (OGP) commenced operations in 2014 and is responsible for sourcing all goods and services on behalf of the Public Service, with the objective of eliminating duplication and taking advantage of the scale of public procurement to best effect.

5.2 The Health Business Services (HBS) was also established in 2014 to support the changing structure within the health services, and the HBS procurement is responsible for sourcing, storage and distribution of goods and services within the HSE and HSE funded agencies.

5.3 The OGP Executive will provide sourcing services to HBS Procurement for non-health-led categories, while HBS Procurement will provide sourcing services for health-related categories.

Policy No. 042	Revision: 1.0
Page 3 of 14	Department: 004
Full Policy ID Number: 004.042.1.0	

SUNBEAM HOUSE SERVICES POLICY DOCUMENT	Title: Procurement Policy
	Effective Date: 19th May 2020



5.4 SHS will endeavour in the first instance to obtain goods or services through an established OGP or Health Business Services Unit framework, before exploring alternatives.

6.0 OBJECTIVE

6.1 To ensure that public monies entrusted to SHS for non-pay expenditure are expended in a manner which will ensure optimum value and managed through procedures and internal controls which ensure that full accountability and probity can be demonstrated as well as the highest ethical standards. To achieve this goal SHS will ensure that:

6.1.1 Competitive tendering shall be the normal practice for the purchase of goods, supplies and services. There is a legal obligation to engage in a competitive procedure for contracts which are above the relevant financial thresholds specified in the Regulations.

6.1.2 Procurement within SHS is in compliance with the relevant Health Service Executive (“HSE”), European Union, World Trade Organisation and Government legal requirements and obligations including:

- Public Procurement Guidelines;
- Department of Finance Circulars;
- Department of Public Expenditure and Reform Circulars;
- EU Public Procurement Directives;
- Irish Procurement Regulations
- HSE Procurement Guidelines; and
- Ethics in Public Procurement.

6.1.3 SHS procurement requirements are assessed on a periodic basis to enable proper procurement planning.

6.1.4 Appropriate goods and services that represent best value for money in terms of full life cycle costs are acquired.

6.1.5 Where goods or services can be procured under an established OGP or Health Business Services Unit framework, then this framework should be availed of in the first instance.

7.0 ETHICS STATEMENT AND VALUES

7.1 It is the policy of the SHS to maintain its high reputation for ethical behaviour and fair dealing in the conduct of its business.

7.2 The SHS Code of Conduct and Standards of Behaviour and applies to all staff. These codes require all employees to fulfil their roles with integrity and draws specific attention to the need to avoid any form of conflict of interest with their official duties while engaging in external activities and SHS policy relating to the acceptance of gifts or hospitality.

Policy No. 042	Revision: 1.0
Page 4 of 14	Department: 004
Full Policy ID Number: 004.042.1.0	

SUNBEAM HOUSE SERVICES POLICY DOCUMENT	Title: Procurement Policy
	Effective Date: 19th May 2020



7.3 All staff, volunteers, directors and agents must ensure that:

- they do not solicit gifts, hospitality or other benefits or transfers of economic value from a person, group or organisation for personal benefit;
- specific fundraising appeals must be authorized in advance by the CEO;
- they avoid or withdraw from activities or situations, including procurement actions, that could place the employee, volunteers, directors or agents in a real, potential or apparent conflict of interest with his or her official duties due to ownership of assets, liabilities, family relationships or other such circumstance; and
- they declare any relationship that they or their family members have with current or potential suppliers which could result in either a conflict or a perception of a conflict of interest.

SSM's, on taking up their post, on the inception of the policy, and on the 30th of January of each year thereafter, must provide a completed statement of interest declaration in the format prescribed by the organisation from time-to-time.

8.0 REVISION

This Policy will be reviewed biennially or sooner if necessary to reflect the requirements of evolving European and domestic case law, European Commission communications and amendments to EU and Irish legislation.

9.0 PROCUREMENT PROCEDURES IN GENERAL

9.1 SSM's shall ensure that the number of employees authorised to order goods or services is kept to a minimum and approval to purchase must be at the appropriate authority level.

9.2 SSM's shall ensure that proper records and files are maintained in respect of all procurement activities. For any contract which is above the relevant financial threshold specified in the European Union (Award of Public Authority Contracts) Regulations 2016 (the "Regulations"), a written report must be prepared as outlined in see Section 11.3 of this Policy.

9.3 SSM's, CSM's and all staff must be aware of any potential conflicts of interest in the tendering/purchasing process and must take specific action to ensure conflicts do not arise – see paragraph 7.3 above. SSM's must declare in the appropriate written format as set-out from time to time by the organisation, any potential or actual conflicts of interest in a contract – see paragraph 7.3 above. For any contract which is above the relevant financial threshold specified in the European Union (Award of Public Authority Contracts) Regulations 2016 (the "**Regulations**"), SSM's should note that they may exclude an economic operator from a procedure where a conflict of interest cannot be effectively remedied by other, less intrusive, measures.

Policy No. 042	Revision: 1.0
Page 5 of 14	Department: 004
Full Policy ID Number: 004.042.1.0	

SUNBEAM HOUSE SERVICES POLICY DOCUMENT	Title: Procurement Policy
	Effective Date: 19th May 2020



9.4 If the goods, supplies or services can be procured under an established OGP or Health Business Services Unit framework, then this framework should be availed of in the first instance as indicated in paragraph 5.4.

9.5 Competitive tendering shall be the normal practice for the purchase of goods, supplies and services. There is a legal obligation to engage in a competitive procedure for contracts which are above the relevant financial thresholds specified in the Regulations.

9.6 Tax Clearance must be provided by all suppliers as part of any initial and ongoing procurement process.

9.7 The type of procurement procedure will depend on the value and nature of the contract and should be considered on a case by case basis. The value of the contract must not be artificially split. The Regulations expressly provide that a procurement may not be subdivided with the intention of excluding a contract from the scope of the Regulations. The value of the contract is based on the total amount payable under the contract, net of VAT, including any form of option and any renewal of the contract. Table 6 outlines the value and corresponding procedure which must be adhered to by SHS.

Policy No. 042	Revision: 1.0
Page 6 of 14	Department: 004
Full Policy ID Number: 004.042.1.0	



9.8 The CEO shall ensure that all contracts for supplies and services with an estimated value of €25,000 and upwards, and that all contracts for works with an estimated value of €50,000 and upwards are advertised on www.etenders.gov.ie. The website www.etenders.gov.ie has been developed as part of the Irish Government's Strategy for the implementation of eProcurement in the Irish Public Sector. The website is designed to be a central facility for all public sector contracting authorities to advertise procurement opportunities and award notices. The website also provides comprehensive information on procurement rules and guidelines. These include European Directives and National Guidelines on the public procurement process.

9.9 Any non-competitive procurement must be reported to CEO, the SHS Audit Committee and the HSE immediately.

10 PROCUREMENT PROCEDURES BELOW THE FINANCIAL THRESHOLD CONTAINED IN REGULATIONS

10.1 Where the value of a contract is below the financial thresholds specified in the Regulations and has sufficient connection with the functioning of the European Internal Market, the fundamental principles of the Treaty on the Functioning of the European Union must be complied with. These fundamental principles include non-discrimination, equal treatment, transparency and proportionality. In determining whether a contract has sufficient connection with the functioning of the European Internal Market, it is the responsibility of CEO/SSM as appropriate to decide, on the facts of the particular case, whether the award of a contract might potentially be of interest to 9 contractors based in other Member States¹. Factors such as the subject-matter of the contract, its estimated value, the size, structure and commercial practices of the sector and the location of the place of performance will be relevant to this assessment.

10.2 Where the value of a contract is below the financial thresholds specified in the Regulations and has sufficient connection with the functioning of the European Internal Market, SHS should adhere to the following basic standards contained in the European Commission Interpretative Communication (2006/C179/02) (the "Communication"):

10.2.1 Advertising: there must be a degree of advertising sufficient to enable competition. SHS is responsible for deciding the most appropriate medium for advertising their contracts. The greater the interest of the contract to potential bidders from other Member States, the wider the coverage should be. At Section 2.1.2 of the Communication, the adequate means of publication are listed. These include, for example, advertisements on a contracting authority's own website and the use of e-tenders. The advertisement must contain a description of the essential details of the contract, the award method and an invitation to contact SHS.

10.2.2 Contract Award: there must be fair conditions of competition. SHS can achieve fair conditions by:

¹ Note this includes Northern Ireland.

Policy No. 042	Revision: 1.0
Page 7 of 14	Department: 004
Full Policy ID Number: 004.042.1.0	



- Non-discriminatory description of the subject matter of the contract. General descriptions of the performance or functions of products should be used rather than specific requirements relating to specific makes or sources.
- Equal access to operators from all Member States. Direct or indirect restrictions, such as requirements based on local establishment, should be avoided.
- Mutual recognition of diplomas, certifications and other evidence of formal qualifications.
- Appropriate time limits (long enough to allow meaningful assessment and preparation of a bid). The complexity of a contract should be taken into account when deciding the response duration to a competition.
- Use of transparent and objective criteria.
- Any mechanism for selecting a short list must be transparent and non-discriminatory. The number of applicants shortlisted must be sufficient to ensure adequate competition. Qualification systems may be used as long as the list of qualified operators is compiled following a sufficiently advertised, transparent and open procedure.
- The final award decision must be made in accordance with procedures established at the outset. Where negotiation is involved, care should be taken to ensure that all bidders have access to the same information and that no one bidder receives favoured treatment.
- Review Mechanism: An adequate review mechanism is required to ensure that basic standards of fairness and transparency are effectively guaranteed. Accordingly, SHS should state the grounds for review either in the decision itself or on request.

11 PROCUREMENT PROCEDURES ABOVE FINANCIAL THRESHOLD CONTAINED IN REGULATIONS.

11.1 Where the value of a contract is above the financial thresholds specified in the Regulations, SHS must adhere to the Regulations. In this regard, particular attention must be paid to Chapter 2 (General Rules) of Part 1 of the Regulations which provide, amongst other things, that SHS must treat economic operators equally and without discrimination and will act in a transparent and proportionate manner.

11.2 There is a choice of procedures under the Regulations. These are contained in Chapter 1 (Procedures) of Part 2 of the Regulations and include:

- **Innovation Partnership:** allows SHS to establish a long-term partnership for the development and subsequent purchase of a new, innovative product, service or works. The procedure allows for an initial qualification stage, following by submission of initial tenders and the possibility of successive stages and the potential for the down-selection of bidders. Innovation partnership is only for use where truly innovative solutions are being sought.
- **Open Procedure:** All interested suppliers, contractors or service providers may submit tenders. No post tender negotiation is permitted in this procedure.

Policy No. 042	Revision: 1.0
Page 8 of 14	Department: 004
Full Policy ID Number: 004.042.1.0	



- **Restricted Procedure:** Any interested suppliers, contractors or service providers may request to participate but only appropriately qualified candidates invited by SHS may submit tenders. No post tender negotiation is permitted in this procedure.

- **Competitive Procedure with Negotiation and Competitive Dialogue Procedure:** SHS do not have an automatic right to use the negotiated procedure or the competitive dialogue procedure. The use of such procedures would be on an exceptional basis and they may only be used to procure public contracts where one or more of the following tests are satisfied:
 - (i) the needs of the contracting authority cannot be met without adaptation of readily available solutions;

 - (ii) they include design or innovative solutions;

 - (iii) the contract cannot be awarded without prior negotiations because of specific circumstances related to the nature, the complexity or the legal and financial makeup or because of the risks attaching to them;

 - (iv) the technical specifications cannot be established with sufficient precision by the contracting authority with reference to a standard, or common technical specification or technical reference;

 - (v) where, in response to an open or a restricted procedure, only irregular or unacceptable tenders were submitted, provided that the contracting authority includes in the procedure all of, and only, the tenderers that meet certain criteria and submitted tenders in accordance with the formal requirements of the failed procedure.

If none of these circumstances apply, the open or restricted procedures must be used. The principal advantage of the Competitive Procedure with Negotiation and the Competitive Dialogue Procedure is that they allow a certain amount of interaction between the bidders and SHS prior to tenders being submitted (and in certain situations, afterwards).

The Competitive Procedure with Negotiation is suitable for the more complex projects. It allows for shortlisting and negotiation at specified stages of the procedure prior to the submission of final tenders. However, the prohibition on the negotiation of final tenders may be considered a significant restriction in certain circumstances. The procedure is relatively flexible subject to this caveat.

As with the Competitive Procedure with Negotiation, the Competitive Dialogue Procedure is suitable for complex projects or any project which requires some discussion between SHS and bidders. It shares many of the same advantages of the Competitive Procedure with Negotiation, however there is additional flexibility afforded to the authority in terms of engagement with bidders following the submission of their final tenders and with the preferred bidder following the evaluation exercise.

Policy No. 042	Revision: 1.0
Page 9 of 14	Department: 004
Full Policy ID Number: 004.042.1.0	



- **Negotiated Procedure Without a Call for Competition:** This procedure should only be used in very exceptional circumstances, as detailed in Regulation 32. There are no minimum timescales. In most cases, the open or restricted procedure will be used. The CEO or SSM as appropriate shall ensure that the open procedure is adopted for contracts for supplies and services up to €125,000 in value, and for advertised contracts for works and related services up to €250,000. Beyond these levels, they may decide which tendering procedure is most appropriate in each case.

11.3 SHS must be cognisant of Chapter 3 (Conduct of Procedure) of Part 2 of the Regulations. This Chapter details:

11.3.1 Preparation: market consultations may be conducted with a view to preparing the procedure.

11.3.2 Division of Contracts into Lots: contracts may be awarded in the form of separate lots. If SHS does not subdivide a contract into separate lots, it must provide an indication of the main reasons for the decision not to subdivide into lots in the procurement documents.

11.3.3 Setting Time Limits: minimum timescales apply to the various choice of procedure under the Regulations. These are contained in Appendix C. In all cases, the times specified in days relate to calendar days. Without prejudice to the foregoing, when fixing the timescale for submitting requests to participate and receipt of tenders SHS must take into account the complexity of the contract and the time required for drawing up tenders. Where tenders can be made only after a site visit, the time limit for receipt of tenders must be longer than the minimum timescales contained in Appendix 2.

11.3.4 Electronic Availability of Procurement Documents: electronic notification of procurement opportunities and access to tender documents is mandatory. From October 2018 the obligation to accept electronic submission of tenders will also be mandatory.

To this end submission of tenders to SHS is via e-tenders electronic on-line tendering facility. Word, excel or PDF files should be provided. Compressed (zipped) files are also acceptable. Hard copies submitted to SHS will not be considered – all tender submissions must be returned via E-tenders electronic post box.

11.3.5 Mandatory and Discretionary Exclusion Grounds: if any of the mandatory exclusion grounds as set out in Regulations 57(1) or 57(3) apply to an economic operator, the economic operator will be eliminated from the competition, subject to the provisions of Regulation 57. Broadly these include organised crime, corruption, fraud, money laundering, terrorism, child labour and human trafficking. If any of the discretionary exclusion grounds as set out in Regulation 57(4) or Regulation 57(8) of the Regulations apply to an economic operator, the economic operator may be eliminated from the competition, subject to the provisions of Regulation 57.

11.3.6 Selection Criteria: selection criteria may relate to suitability to pursue a professional activity, economic and financial standing and technical and professional ability. All selection criteria must be related, and proportionate, to the subject matter of the contract. SHS may seek proof (in the forms provided for in Regulation 60 and 62) as evidence of fulfilment of the

Policy No. 042	Revision: 1.0
Page 10 of 14	Department: 004
Full Policy ID Number: 004.042.1.0	



selection criteria. With regard to economic and financial standing, SHS may require that the economic operator has a certain minimum yearly turnover (but, for the most part, this shall not exceed twice the estimated contract value).

11.3.7 European Single Procurement Document (“ESPD”): the ESPD must be accepted. This is a self-declaration of compliance with selection and exclusion criteria by economic operators.

11.3.8 Reliance on Third Parties: an economic operator may rely on the capacity of other entities to satisfy the economic and financial standing and technical and professional ability selection criteria where such entities will perform the works or services for which these capacities are required. Where an economic operator wants to rely on the capacities of other entities, it must provide sufficient evidence to SHS) that it will have at its disposal the resources necessary, including by producing a commitment by those entities to that effect.

11.3.9 Award Criteria: SHS shall base an award of public contracts on the most economically advantageous tender (“MEAT”).

MEAT shall be identified on the basis of the price or cost, using a cost - effectiveness approach, including life-cycle costing, and may include the best price-quality ratio, which shall be assessed on the basis of criteria, including qualitative, environmental or social aspects, linked to the subject matter of the public contract in question. The Regulations contain guidance on these criteria. The cost element may also take the form of a fixed price or cost on the basis of which economic operators will compete on quality criteria only. Award criteria must be considered to be linked to the subject matter of the public contract where they relate to the works, supplies or services to be provided under that contract in any respect and at any stage of their life cycle. Award criteria shall:

- (a) ensure the possibility of effective competition, and
- (b) be accompanied by specifications that allow the information provided by the tenderers to be effectively verified in order to assess how well the tenders meet the award criteria.

11.4 SHS must be cognisant of Chapter 4 (Contract Performance) of Part 2 of the Regulations. In particular, Regulation 72 governs modifications of contracts without a new procurement procedure.

11.5 SHS must be cognisant of Part 4 (Governance) of the Regulations. In particular, a written report must be prepared for every contract procured under the Regulations. The contents of the report must adhere to the requirements in Regulation 84.

12. DEBRIEFING OBLIGATIONS AND STANDSTILL PERIOD

12.1 The EU Directives contain detailed requirements regarding the information that must be provided to tenderers at various stages of the tender process. Below is a summary of the requirements

Policy No. 042	Revision: 1.0
Page 11 of 14	Department: 004
Full Policy ID Number: 004.042.1.0	

SUNBEAM HOUSE SERVICES POLICY DOCUMENT	Title: Procurement Policy
	Effective Date: 19th May 2020



that must be met when awarding a contract above the EU thresholds. These requirements are now enshrined in Irish law under S.I. 130 of 2010 (as amended by SI 192 of 2015) (the “**Remedy Regulations**”).

12.2 As soon as possible after a decision has been made to award a contract above the EU thresholds, all tenderers must be told of the outcome in writing by the most rapid means of communication practicable (i.e. by email or fax), 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.

12.3 **Standstill period prior to award of contract:** For contracts above the EU thresholds, a contract must not be awarded to the successful tenderer during the “standstill period”. A contract must not be concluded with a successful tenderer until at least 14 calendar days (or 16 calendar days if notice is not being sent electronically) have elapsed since the date on which the tenderers were informed of SHS decision to award the contract. The notification to the successful tenderer does not trigger the creation of a contract and therefore formal award of the contract can only take place after the 14/16 day period has elapsed. The standstill period can only end on a working day. Therefore, if the standstill period is due to end on a non-working day, it must be extended to midnight on the next working day (i.e. if standstill was due to end on a Saturday, it would need to be extended until midnight on Monday).

12.4 **Standstill Notices:** Standstill notices trigger the start of the standstill period. The standstill notice must give sufficient information to enable an unsuccessful bidder to decide whether there are grounds for seeking a review. A standstill notice to an unsuccessful tenderer must inform concerned tenderers and concerned candidates of:

- decision reached and the name of the successful tenderer;
- the exact standstill period;
- summary of reasons for rejection which should be bespoke and not generic;
- characteristics and relative advantages of tender selected; and statement why works, supplies or services do not meet performance or functional requirements.

The explanation from SHS must be sufficiently precise to enable a tenderer to ascertain the matters of fact and law on the basis of which SHS rejected one offer and accepted another. Indeed, the statement of reasons must be sufficiently detailed to explain how the preferred tender was advantageous by reference to particular matters of fact.

If standstill notices are not drafted in accordance with the Regulations, there is a risk that the standstill period may deemed not to have commenced. An unsuccessful tenderer may seek further information about the reasons for their rejection and this request must be responded to positively.

Policy No. 042	Revision: 1.0
Page 12 of 14	Department: 004
Full Policy ID Number: 004.042.1.0	

SUNBEAM HOUSE SERVICES POLICY DOCUMENT	Title: Procurement Policy
	Effective Date: 19th May 2020



13. PURCHASES AND/OR MINOR CAPITAL, NORMAL MAINTENANCE AND EXTRAORDINARY MAINTENANCE WHERE VALUE EXCEEDS €25,000

13.1 Where the value of any minor capital project, extraordinary maintenance work or normal maintenance work exceeds €25,000 the SSM in question must seek the approval of the CEO before the order is placed or work proceeds.

13.2 The CEO may seek any professional advice either internally or externally that he/she considers appropriate before approval is granted.

Appendices

Appendix 1

Table 6: Contract Value and Appropriate Procurement Procedure

CONTRACT VALUE (EXCL. VAT) ²	PROCUREMENT PROCEDURE
Less than €2,000	Two verbal quotations required.
€2,000 - €24,999 (Supplies and Services)	Minimum of three quotations required.
€2,000 - €49,999 (works)	
€25,000 or more (Supplies and Services)	Publication on the etenders.gov.ie website (see Department of Finance Circular 10/2010). Please also refer to Section 10 of this Policy.
€50,000 or more (Works)	
€221,000 or more (Supplies and Services)	EU Procurement Directives and the Regulations apply. Please refer to Section 11 of this Policy.
€5,548,000 or more (Works)	EU Procurement Directives and the Regulations apply. Please refer to Section 11 of this Policy.

² In accordance with Circular 02/2016 all ICT procurement opportunities with a value of €25,000 or greater must be advertised on the Government e-Tenders website at www.etenders.gov.ie.

Policy No. 042	Revision: 1.0
Page 13 of 14	Department: 004
Full Policy ID Number: 004.042.1.0	



Appendix 2

Procedure and Steps	Standard timescales (without PIN)	Accepts tenders by electronic means	Requirement is urgent necessitating shorter time period³ (accelerated procedure)	PIN published between 35 days and 12 months before the date on which the contract notice was sent
Innovation				
Despatch of Notice to receipt of responses	30 days ⁴	N/A	N/A	N/A
Standstill period			14 days (16 days if not sent electronically)	
Open				
Despatch of Notice to receipt of responses	35 days	5 day reduction	20 day reduction	15 day reduction
Standstill period			14 days (16 days if not sent electronically)	
Restricted				
Despatch of Notice to receipt of responses	30 days	5 day reduction	15 day reduction	15 day reduction
ITT to receipt of bids	30 days	5 day reduction	20 day reduction	20 day reduction
Standstill period			14 days (16 days if not sent electronically)	
Competitive Procedure with Negotiation				
Despatch of Notice to receipt of responses	30 days	5 day reduction	15 day reduction	15 day reduction
ITT to receipt of bids	30 days	5 day reduction	20 day reduction	20 day reduction
Standstill period			14 days (16 days if not sent electronically)	
Competitive Dialogue				
Despatch of Notice to receipt of responses	30 days ⁵	N/A	N/A	N/A
ITT to receipt of bids	Continue until capable of identifying solutions	N/A	N/A	N/A
Standstill period			14 days (16 days if not sent electronically)	

³ and the EU Commission. The instances where resort to these provisions is justified will be rare and maximum care must be taken before availing of them. The urgency or exceptional circumstance must have been unforeseeable and must not have arisen due to any action or inaction on the part of SHS. The Regulations do not define 'urgent', however it has been narrowly interpreted by the European Court of Justice (R.I.).

⁴ PIN cannot be used as a call for competition.

⁵ PIN cannot be used as a call for competition

Policy No. 042	Revision: 1.0
Page 14 of 14	Department: 004
Full Policy ID Number: 004.042.1.0	