



Iascach Intíre Éireann
Inland Fisheries Ireland

PROCUREMENT POLICY

PROCUREMENT IFI

Sustainable Procurement

Green Public Procurement

IFI is committed to green procurement efforts and Incorporating green criteria into public purchasing

By
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Procurement Unit

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1 PURPOSE

The purpose of this document is to set out the policy for the procurement of goods (supplies), services and works by Inland Fisheries Ireland (IFI) and to ensure that procurement throughout IFI is undertaken in accordance with National and European Union Public Procurement Regulations & Directives, Legislation, Policy and Guidelines. There is an onus on public bodies to ensure that the public procurement function is discharged ethically, fairly and transparently in a manner that delivers best value for money. The document will be subject to amendment and review periodically and the most up-to-date version will be available to all staff. This policy should be read in conjunction with IFI’s purchasing and financial authorisation policies.

delivering best value for money..

Inland Fisheries Ireland (IFI) is committed to the compliant procurement of goods, services and works, in line with best public procurement practices, to achieve value for money outcomes which are strategically aligned to the business needs of IFI. It is essential that all staff within IFI work to ensure that:

- IFI remains compliant with all relevant procurement legislation and guidelines
- IFI seeks Value for Money, whilst achieving optimum quality to meet IFI’s business needs
- Minimise IFI’s exposure to procurement risk
- Encourage business engagement with suppliers and maximise contract performance
- Continue to strengthen the Procurement Function within IFI
- Promote Environmental and Social Consideration in all competitive processes, when possible

2 ABBREVIATIONS

MEAT: Most Economically Advantageous Tender	SRFT: Supplementary Request for Tender (sometimes referred to as ‘mini-competition’)
IFI: Inland Fisheries Ireland	RFQ: Request for Quotations
RFT: Request for Tender	RFI: Request for Information
PIN: Prior Information Notice	SLA: Service Level Agreement
OJEU: Official Journal of the European Union	PO: Purchase Order
TRD: Tender Response Document	OGP: Office Government Procurement
DPS: Dynamic Purchasing System	GPA: Government Procurement Agreement

“” Acknowledgement

IFI wishes to acknowledge that the OGP Guidance document **“Public Procurement Guidelines For Goods And Services” (Version 2: Issued January 2019)** has been cited multiple times within this document.

3 DEFINITIONS

‘Procurement’ is the overarching function that describes the activities and processes to acquire goods and services from an external source. As distinct from “purchasing”, procurement involves all the activities involved in establishing requirements, market research, approach, supplier / tender evaluation, negotiation and award of contracts through to contract management.

‘Public Procurement’ refers to the process by which public bodies purchase works, goods or services from suppliers which they have selected for this purpose. It ranges from the purchase of routine goods or services to large scale contracts for infrastructural projects and involves a wide and diverse range of contracting authorities.

A **‘Contracting Authority’** refers to the State, regional or local authorities, bodies governed by public law i.e. IFI in this document

A **‘Public Contract’** is a contract for the provision of works, supplies or services to a contracting authority. It includes all procurements, not just those which are undertaken on the basis of a full tendering process and formal signing of a contract.

For the purposes of clarity, in this policy **‘Tender’** and **‘Tendering’** is used to describe the procedures for above National Threshold procurements (€50k supplies and services, works related; €200k works) and **‘quotations’** refers to the procedures used for below National Threshold procurements

A **‘Contractor’** means a person, consultant, firm, company or an organisation who undertakes to supply goods, works, services for a limited time period to a contracting authority

A **‘Tenderer’** means an economic operator, participating in a competitive process up to the point the contract is awarded

Goods/Supplies: the purchase of a good or product (e.g.. vehicles, IT, stationery)

Service: provision of services such as training, consultancy, legal, etc.

Work & Works Related: any construction or building / civil engineering design and execution including incidental services i.e. project management

Framework Agreement: an agreement between IFI and one or more suppliers which establishes the terms on which contracts for supplies, works or services can be entered into during the period of the agreement without further advertisement.

Value for Money: Best value for money is defined as the most advantageous combination of cost, quality and sustainability to meet IFI’s requirements.

4 PUBLIC PROCUREMENT PRINCIPLES

IFI operates its procurement in accordance with the overarching principles that procurement transactions and decisions must in all respects be non-discriminatory, fair, equitable, and ensure value for money. Article 18 ('Principles of procurement') states that "A contracting authority shall, in procuring, treat economic operators equally and without discrimination and shall act in a transparent and proportionate manner".

IFI understands the need to improve procurement structures and expertise with IFI on an on-going basis, ensuring that procurement practices are professional and that the relevant staff have the necessary capabilities to operate in line with best practice.

- **Value for Money:** IFI will use the most economically advantageous approach as part of its procurement process to achieve best value results for the organisation.

The European Treaty of Rome, that results in the establishment of the European Economic Community (EEC), established several principles that apply when awarding contracts, in particular:

- ◆ Freedom of Movement
- ◆ Freedom of Establishment
- ◆ Freedom regarding the Provision of Services

IFI is committed to promoting best practice and consistent application of the public procurement rules in relation to goods, services and works. The procurement of Goods/Supplies, Services or Works in the public sector, regardless of value, must comply with EU fundamental procurement principles. The award of any public contract must be conducted in accordance with the principles set out in Treaty of the Function of the EU ¹ as follows:

- **Transparency:** IFI will conduct all procurement activities openly and transparently. Procurement requirements and decisions should be advertised publicly.
- **Equal treatment and Non-Discrimination:** IFI will apply the same rules to all with equal rights of access ensuring all suppliers are treated equally and with the utmost fairness at every stage of a procurement process. Non-discrimination on grounds of nationality is a key principle.
- **Proportionality:** IFI will ensure that demands placed upon suppliers will be both necessary and appropriate to the contract being awarded. No excessive or disproportionate conditions, criteria, or rules are to be applied.
- **Mutual Recognition:** IFI will ensure equal recognition and validity will be given to standards, specifications and qualifications in use in other Member States i.e. recognising equivalent standards etc in other Member States, exclusion of brand names in any procurement process.

1. 2012/C 326/01 Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union [available here](#)

5 REGULATORY FRAMEWORK

5.1 Overview

To create a level playing field for all businesses across Europe, EU law sets out minimum harmonised public procurement rules. These rules govern the way public authorities and certain utility operators purchase goods, works and services. The rules are set out in three principal EU Directives which were transposed into Irish national legislation and apply to tenders for public contracts whose monetary value exceeds a certain threshold. For tenders of lower value, national rules apply. Nevertheless, these national rules also have to respect the general principles of EU law³.

The Key EU Directives are as follows:

- ◆ Directive 2014/24/EU² on public procurement (goods, services and works)
- ◆ Directive 2014/25/EU³ on procurement by entities operating in the water, energy, transport and postal services sectors
- ◆ Directive 2014/23⁴/EU on the award of Concession Contracts

These directives were transposed into Irish law by way of national Regulations contained in statutory Instruments as follows:

- the European Union (Award of Public Authority Contracts) Regulations 2016 (SI 284/2016)⁵ (Public Contracts Regulations) which implements Directive 2014/24/EU into Irish law
- the European Union (Award of Contracts by Utility Undertakings) Regulations 2016 (SI 286/2016)⁶ which implements Directive 2014/25/EU (Utilities Regulations) into Irish law
- the European Union (Award of Concession Contracts) Regulations 2017 (SI 203/2017)⁷ (Concessions Regulations) which implements EU Directive 2014/23/EU into Irish law

Directive 2014/24/EU² (S.I. No. 284/2016)⁵ requires tenderers to comply with applicable obligations in the fields of environmental, social and labour law that apply at the place where the works are carried out or the services provided that have been established by European Union law, national law, collective agreements or by international labour law. Contracting authorities must also take appropriate measures to ensure contract performance is in accordance with these obligations.

The principles underpinning the Regulations are equal treatment, non-discrimination, mutual recognition, proportionality and transparency. The 2016 regulations also detail rules governing the following:

- ◆ Citation and commencement.
- ◆ Interpretation.
- ◆ Subject matter and scope.
- ◆ Mixed procurement.
- ◆ Threshold amounts.
- ◆ Methods for calculating the estimated value of procurement.

2. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on Public Procurement [available here](#)

3. Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport, and postal services sectors [available here](#)

4. Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of Concession Contracts [available here](#)

5 S.I. No. 284 of 2016: European Union (Award of Public Authority Contracts) Regulations 2016 [available here](#)

6. S.I. No. 286 of 2016 - European Union (Award of Contracts by Utility Undertakings) Regulations 2016 [available here](#)

7 S.I. No. 203 of 2017 - European Union (Award of Concession Contracts) Regulations 2017 [available here](#)

5.2 Remedies Directives

Remedies are available to suppliers in relation to above EU Threshold competitions if a contracting authority is found to have breached the 2016 Regulations. The rules setting out the remedies for a breach of procurement rules, generally called ‘the Remedies Directives’ are contained in the following key pieces of legislation:

- ◆ the European Communities (Public Authorities’ Contracts) (Review Procedures) Regulations 2010 (as amended) (SI 130/2010)⁸ (Public Contracts Remedies Regulations)
- ◆ S.I. No. 192/2015⁹ - European Communities (Public Authorities’ Contracts) (Review Procedures) (Amendment) Regulations 2015
- ◆ the European Communities (Award of Contracts by Utility Undertakings) (Review Procedures) Regulations 2010 (as amended) (SI 131/2010)¹⁰ (Utilities Remedies Regulations)
- ◆ the European Union (Award of Concession Contracts) (Review Procedures) Regulations (SI 326/2017)¹¹ (Concessions Remedies Regulations)
- ◆ the European Union (Public Authorities’ Contracts) (Review Procedures) (Amendment) Regulations 2017 (SI 327/2017)¹² (Public Contracts Remedies Regulations)

Remedies Regime brings a greater commonality amongst the EU Member States around awarding of contracts

The key piece of legislation for IFI under the Remedies Regime is SI 130/2010⁸ which allows tenderers who feel that a procurement process was not conducted in an open, fair and transparent manner the option of seeking recourse from the courts. SI 327/2017¹² did not introduce any substantive amendments but simply aligned existing remedies regulations (SI 130/2010)⁸ with 2014 EU Directives.

Aggrieved suppliers can seek redress and this Directive also allows for award nullification in certain cases of serious breaches of conduct. Contracting authorities are obliged to observe a standstill period between notice of the contract award decision and the reasons for the decision to the unsuccessful tenderers. The standstill period for above EU threshold tenders must be 14 days if the notice is sent electronically (or 16 days if sent by any other means).

For Below EU Threshold procurements, contracts which otherwise fall outside of the Remedies Regulations, the time limits in the Remedies Regulations do not apply. These actions can be brought by way of normal judicial review under Order 84 of the Rules of the Superior Courts.

8. S.I. No. 130 of 2010 - European Communities (Public Authorities’ Contracts) (Review Procedures) Regulations 2010, as amended by S.I. No. 192 of 2015 The European Communities (Public Authorities’ Contracts) (Review Mechanism) (Amendment) Regulation, (2015) [available here](#)

9. S.I. No. 192 of 2015 - European Communities (Public Authorities’ Contracts) (Review Procedures) (Amendment) Regulations 2015 [available here](#)

10. S.I. 131 of 2010 European Communities (Award of Contracts by Utility Undertakings) (Review Procedures) Regulations 2010 (as amended) (SI 131/2010) (Utilities Remedies Regulations) [available here](#)

11. S.I. 326 of 2017 European Union (Award of Concession Contracts) (Review Procedures) Regulations (SI 326/2017) (Concessions Remedies Regulations) [available here](#)

12. S.I. 327 of 2017 European Union (Public Authorities’ Contracts) (Review Procedures) (Amendment) Regulations (SI 327/2017) (Concessions Remedies Regulations) [available here](#)

The time limit for tenderers to initiate a review proceeding under the Remedies Regulations is 30 calendar days after the applicant was notified of the decision or knew about the alleged infringement. These applications are to be made within three months from the date when the grounds for the application first arose. The Remedies Directive also provides guidance on how contracting authorities manage unsuccessful suppliers who are entitled to a full and frank explanation of the reasons why they were unsuccessful, their score in each of the Award Criteria and also the score of the winning bid in each of the Award Criteria.

Only an “eligible person” can challenge – Reg 4 defines this as a person who: has, or has had, an interest in obtaining the reviewable public contract, and alleges that he or she has been harmed, or is at risk of being harmed, by an infringement, in relation to that reviewable public contract...”

5.3 Other Regulatory Controls

IFI's procurement policies and procedures are also governed by the following guidelines and circulars:

1. OGP Guidelines for Goods and Services [available here](#)
2. Circular 05/2023
3. Revision of Existing Procedures for Approval of Certain Contracts in the Central Government Sector [Circular 40/02](#) . This would rarely be permitted within IFI as it is only permissible in very specific circumstances as follows where:
 - ◆ no suitable tenders have been received in response to an advertised tender,
 - ◆ Unique work of art or performance, the protection of exclusive rights, including intellectual property rights (e.g. supplier has EU-wide exclusive patent or service provider has EU-wide exclusive agency) ,
 - ◆ Insofar as is strictly necessary where, for reasons of extreme urgency not attributable to the contracting authority and brought about by events unforeseeable by the contracting authority, the time limits specified for the open procedures or restricted procedures or competitive procedures with negotiation cannot be complied with.
4. Arrangements for Digital and ICT related Expenditure in the Civil and Public Service [DPER Circular 02/2016](#)
5. Procurement of legal services and Managing Legal Costs [DPER Circular 05/2013](#)
6. DEPR Guidelines for the use of External Resources/Consultants [available here](#)
7. Use of central contracts put in place by the OGP or Justification [DPER Circular 16/2013](#)
8. Civil Service Code of Standards and Behaviour [available here](#)
9. Ethics in Public Procurement [available here](#)

10. The EU Public Contracts Directive (Article 84) requires all contracting authorities to prepare a written report after every tender competition, other than mini-competitions conducted under framework agreements [available here](#). Regulation 84 of the 2016 Regulations mandate that contracting authorities must draw-up a report in relation to each procurement process i.e. every contract or Framework Agreement covered by the Regulations, and on the establishment of every Dynamic Purchasing System.
11. National Public Policy Procurement Framework 2019 [available here](#)
12. Code of Practice for the Governance of State Bodies DPER 2016 [available here](#)

5.4 Small and Medium Enterprises (SME's)

[Circular 10/2014](#) has been replaced by [Circular 05/2023](#) Initiatives 'Initiatives to Assist SMEs in Public Procurement' was issued by the OGP in March 2023. The Circular sets out a series of positive measures that public sector buyers should take to promote SME involvement in public sector procurement, including subdividing contracts into smaller lots, use of Open tendering, increased advertising thresholds and setting relevant and proportionate criteria that allow SMEs to compete.

Initiatives to assist Small and Medium Enterprises (SME's) in Public Procurement [Circular 05/2023](#) makes it easier for SME's to secure procurement contracts included measures specifically designed to improve access for SMEs and start-ups i.e. consortium bidding, dividing contracts into Lots, advertising thresholds. IFI commits to implementing the provisions of Circular 05/2023 in running its procurement competitions.

5.5 Breaking Contracts into Lots

The terms of Circular 05/2023^{13.3} clearly state that one of its main objectives is to facilitate competition and SME participation. Article 46 of 2014^{13.2} Directive requires Contracting Authorities to give reasons for decision not to subdivide contracts into lots, therefore the default position is that procurement should be divided into lots where it is possible and practical to do so.

5.6 Aggregate Rule

Aggregation requires the total amount of any procurement (excl vat) to be carefully and objectively estimated. The aggregate total value of different contracts for the same category of goods, services or works are treated as a single amount for the purpose of procurement. Aggregation can occur at a number of different levels within IFI sectoral, regional or at a national level. The aggregation rules under the [Regulations](#)¹³ provide that in certain cases, the value of contracts must be aggregated and where the value of these purchases taken together exceeds the relevant thresholds, the Regulations will apply. The general rule under the Regulations is that a procurement must not be subdivided with the effect of preventing it from falling within the scope of the Regulations. Where a contract is to be awarded in the form of separate lots, account must be taken of the total estimated value of all such lots. The Regulations will apply where the aggregate value of the lots is equal to or greater than the relevant thresholds. There are also "annual aggregation requirements" which require services or supply contracts of the "same type", awarded within a one-year period to be aggregated.

5.7 Estimating the Value of a Contract

The "contract value" must first be determined in order to ascertain the correct "procurement process" to be followed. The real contract value can only be fully determined when considering the contract term **including** any proposed extensions listed in the tendering documents. The contract value for service contracts includes the full duration of the contract *i.e.* a three-year contract is the value over the three years.

- The estimated value of a contract is based on the total amount payable including any renewal options
- It is prudent to ensure that the estimated contract value is at least 10% less than the threshold
- The total value of subdivisions (*e.g.* Lots) must be taken into account

"A realistic estimate of the value of all phases of the service or good to be procured is essential as this will determine the rules applicable to the procurement procedure to be followed and is important for budgeting purposes. When valuing a contract ... the contracting authority must make a genuine pre-estimate of the contract value at the date of publication of the Contract Notice, exclusive of VAT, taking into consideration the entire term of the contract, i.e. assuming all extensions and all options under the contract are exercised. Contracts without a fixed term should generally be valued on the basis of four years anticipated supply. The valuation of Framework Agreements and Dynamic Purchasing Systems must take into account the value of all potential call-off contracts... Where a project or purchase involves separate lots, the value of all lots must be included..." (Para 56, Public Procurement Guidelines for Goods and Services)

"No project or purchase may be artificially split or sub-divided to prevent it coming within the scope of the National Guidelines or EU Directives"

5.8 Treatment of VAT

Tenderers should be invited to express tender prices exclusive of VAT. VAT law provides for equal treatment in the supply of **goods and services**. Therefore, no competitive advantage or disadvantage should arise from the correct application of VAT rules. DPER's [Public Procurement Guidelines for Goods and Services](#) refers to below EU Thresholds in terms of "**exclusive of VAT**".

Department of Finance and DoES Circulars refer to contract values being "**inclusive of VAT**" for **works-related contracts** below EU thresholds.

5.9 Treatment of Commercially Sensitive Information

Where IFI wants to withhold information on confidentiality grounds, it "needs to demonstrate in a concrete and precise manner that the communication of the price of the tenders ranked higher than the applicant would prejudice the legitimate commercial interests of the tenderers or harm fair competition between them". "Commercial sensitivity" is covered in accordance with Regulation 6(7) of the Remedies Regulations. Whilst this may in some instances be acceptable, IFI will endeavour to demonstrate very clearly the reasoning for withholding pricing information in standstill letters and such instances will be dealt with on a case-by-case basis.

13 S.I. No. 284 of 2016: European Union (Award of Public Authority Contracts) Regulations 2016 [available here](#)

13.2 Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on Public Procurement [available here](#)

13.3 [Circular 05/2023](#) initiatives to assist SME's in Public Procurement

6 PROCUREMENT PROCESS



The procurement cycle consists of a number of stages that are common to all procurement functions. The process should begin by investigating whether the need can be achieved in any other way before electing to buy new goods or services. As part of requirement scrutiny, staff engaged in procurement should also consider the environmental impact of the goods or services they are procuring. The procurement stages are:

- ◆ Determining the need to procure (requirement scrutiny) i.e. challenge if good/service is really needed and consider if available elsewhere within IFI
- ◆ Establishing authority to procure i.e. is there an approved budget in place
- ◆ Engage in primary market research if required & establish realistic estimated cost
- ◆ Establishing the procurement route (tendering, quotations etc, dependent on value)
- ◆ Determining availability of potential suppliers (competition)
- ◆ Developing specification & criteria - Including green procurement where possible
- ◆ Inviting quotations/tenders through open competition
- ◆ Evaluation of quotations/tenders in a fair & transparent manner
- ◆ Awarding the contract (including financial and non-financial compliance checks)
- ◆ Managing the contract (including contract closure/disposal) i.e. Supplier Relationship Management throughout the contract term



7 SUSTAINABLE PROCUREMENT

7.1 IFI's Sustainable Procurement Goals

Sustainable procurement relates to consciously purchasing products and services that are produced in a socially responsible way. It incorporates human health, social equity and environmental concerns into the search for high quality products and services at competitive prices.

The European Commission's 'Buying Green' guide describes sustainable procurement as "A process whereby public and semi-public authorities meet their needs for goods, services, works and utilities by choosing solutions that have a reduced impact on the environment throughout their life-cycle, as compared to alternative products/solutions"

Incorporating green criteria into public purchasing provides an opportunity to convert environmental policy objectives on carbon reduction, air and water quality, and waste reduction into delivered actions. IFI is committed to the following practices:

- Targeting priority products and services with associated "green criteria".
- Working with OGP to deliver green frameworks as they arise for renewal.
- Engaging with suppliers, especially SMEs regarding GPP opportunities.
- Collaborating with the OGP and other agencies to support an "All of Government" approach to the successful incorporation of green criteria and other social considerations into public procurement policy and practice.

Construction Works: *Environmental Impact Assessment, Energy Performance of Buildings, Construction Products, Waste Management and many other areas*

IT Equipment: *minimum energy-efficiency standards*

Timber, Wood and Paper Products: *EU prohibits timber/wood products which cannot be traced to legal sources in the country of origin*

Food and Catering Services: *regulations dealing with waste management and packaging*

Cleaning Products and Services: *regulations around harmful properties of chemicals and detailed Health, Safety and Environmental information and advice about their products*

Energy: *the generation and use of electricity is governed by a number of EU Directives. Energy using products such as lighting and white goods are subject to mandatory labelling requirements.*

Uniforms and Textiles: *the chemicals, dyes and treatment agents used to produce textiles are subject to regulations that limits the use of certain dangerous substances and preparations*

7.2 Life Cycling Costing

The "contract value" must first be determined in order to ascertain the correct "procurement process" to be followed. The real contract value can only be fully determined when the "Life Cycle Costing" (LCC) of the procurement is taken into consideration. LCC evaluates the total cost of ownership (for the working life of the item(s)) and not only includes purchase price, but also includes such costs as consumables, annual maintenance contracts, repairs/spares, warranty etc.

7.3 Staff Responsibilities

The [2030 Agenda for Sustainable Development](#), adopted by all United Nations Member States in 2015, provides a shared blueprint for peace and prosperity for people and the planet, now and into the future. At its heart are the 17 Sustainable Development Goals (SDGs), which are an urgent call for action by all countries - developed and developing - in a global partnership. They recognise that ending poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality, and spur economic growth – all while tackling climate change and working to preserve our oceans and forests [link here](#)

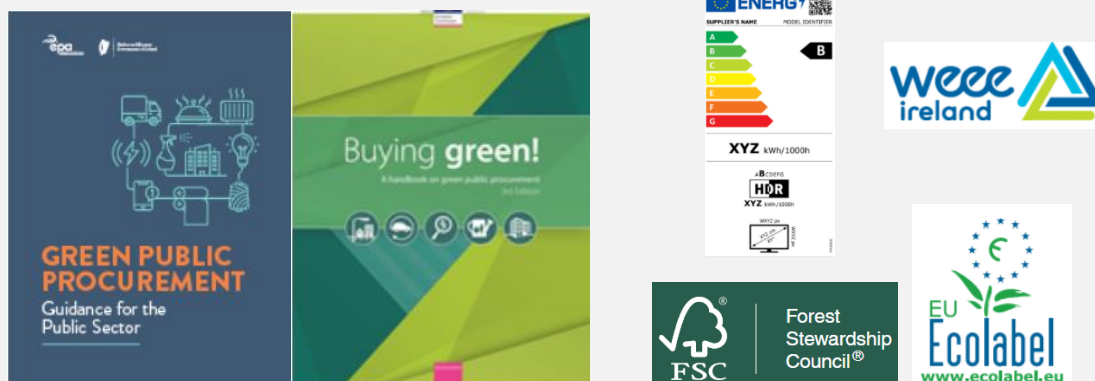
In 2019, the Department of Public Expenditure and Reform published Circular 20/2019: [Promoting the use of Environmental and Social Considerations in Public Procurement](#). This Circular instructs government departments to consider using green criteria in procurement, where defined and measurable criteria exist. [Green Tenders - an Action Plan on Green Public Procurement](#) states that ***'Where possible, public procurement policies should encourage the use of all types of environmentally friendly products – energy efficient, water conserving, recyclable, non-toxic, and low in emissions of volatile organic compounds.'***

[The Climate Action Plan 2021](#) and [Climate Action Plan 2023](#) provides a detailed plan for taking decisive action to achieve a 51% reduction in overall greenhouse gas emissions by 2030 and setting us on a path to reach net-zero emissions by no later than 2050, as committed to in the Programme for Government. These include plans to mandate the inclusion of green criteria in all public procurements and update OGP frameworks in line with green procurement practice by the end of 2023.

IFI is committed to ensuring that its procurement processes comply with all government circulars and will actively encourage and promote the use of green procurement. IFI will work to incorporate best practice guidelines into all procurement efforts.

IFI staff should look for improved recyclability, high recycled content, reduced packaging and greater reusability, avoiding disposable products, products with optimum energy efficiency, utilising clean technology and/or clean fuels which result in reduced water consumption. There are many guides available which provide guidance and support, some of which are as follows:

- ◆ The [Green Public Procurement Guide](#) is available from the EPA website which provides guidance and accompanying criteria to support the inclusion of sustainable and green practices into public sector procurement procedures [available here](#). Categories covered in this guide include the following:
 - ✓ Energy-related products
 - ✓ Food and catering
 - ✓ Heating
 - ✓ ICT
 - ✓ Indoor cleaning
 - ✓ Lighting
 - ✓ Office buildings
 - ✓ Paper and printing
 - ✓ Textiles
 - ✓ Transport
- ◆ The OGP outlines the use of public procurement as a useful tool in achieving key policy sustainability objectives [link here](#)
- ◆ The [Buying Green Handbook](#) is available from EU to help public authorities buy goods and services with a lower environmental impact which includes practical examples [link here](#)



The Office of Government Procurement (OGP) launched an online search tool to support green public procurement in November 2022. This is a very useful tool, enabling Contracting Authorities to identify relevant GPP criteria. The OGP led on the development of the GPP Criteria Search which is available on the gov.ie website at GPPCriteria.gov.ie The online search tool allows users to rapidly find, select and download Green Public Procurement (GPP) criteria relevant to a specific procurement project. It makes it easy to find standard green criteria and then add them into a procurement specification along with objective ways of verifying those criteria.

More information on the Prevention and Recycling of Waste is available at the following link: <http://ec.europa.eu/environment/waste/strategy.htm>
Examples of EU Eco-labels can be found at http://ec.europa.eu/environment/ecolabel/index_en.htm
Producers registered by the WEEE Register Society are listed at the following link: <http://www.weeeregister.ie/searchproducers.html>

8 ACCOUNTABILITY AND OVERSIGHT

8.1 The Office of Government Procurement (OGP)

The OGP commenced operations in 2014. An essential part of OGP's remit is to manage and deliver supplier frameworks (FWA), dynamic purchasing systems (DPS) and contracts for 8 categories of commonly procurement goods and services - Professional Services, Facilities Management, Utilities, ICT & Office Equipment, Marketing Print & Stationery, Travel & HR Services, Fleet & Plant, and Managed Services.

The OGP also has responsibility for the National Procurement Policy Framework (NPPF)¹⁰, which consist of 5 strands; Legislation (Directives, Regulations); Policy (Circulars etc.); General Guidelines; the Capital Works Management Framework (CWMF); and detailed technical guidelines, template documents and information notes that issue periodically. It is Government policy that public bodies, where possible, should make use of central procurement frameworks and contracts that are put in place by the Office of Government Procurement (OGP). These central procurement frameworks and contracts are designed to optimise benefits to the public service through the strategic aggregation of its power. Further information on OGP Central Frameworks and contracts can be found [here](#). The Office of Government Procurement has developed template documents for goods and services which have been developed in conjunction with the Office of the Attorney General and the Chief State Solicitor's Office. Where an OGP Framework exists for the supply of goods and services the contract will already have been subject to the necessary level of competition. **IFI aligns its procurement function with OGP guidelines and endeavours to use OGP frameworks/DPS, where they meet IFI's specific requirements and needs. However where such arrangements cannot fulfil IFI's specific requirements, IFI reserves the right to undertake it's own independent procurement process.**

8.2 Accountability

Procurement transactions and decisions must in all respects be able to justify decisions made and actions taken. Procurement practices are subject to audit and scrutiny under the Comptroller and Auditor General (Amendment) Act 1993¹⁴, and the Local Government Reform Act 2014¹⁵, and IFI is publicly accountable for expenditure incurred. Under Section 19 of the Comptroller and Auditor General (Amendment) Act, 1993¹⁴ an Accounting Officer is required to give evidence to the Public Accounts Committee regarding: the regularity and propriety of the transactions recorded in any account subject to audit by the Comptroller and Auditor General which is required by or under statute to prepare; the economy and efficiency of the Department in the use of its resources; and the systems, procedures and practices employed by the Department for the purpose of evaluating the effectiveness of its operations. Contracting authorities are responsible for establishing arrangements for ensuring the proper conduct of their affairs, including conformance to standards of good governance and accountability with regard to procurement¹³. Senior Management and the Board of IFI have oversight of procurement procedures and processes to ensure that there is an appropriate focus on good practice in purchasing and that procedures are in place to ensure compliance with procurement rules and guidelines at EU and National level. In order to mitigate against non-compliance, IFI staff should adhere to IFI guidelines, ensuring competitive procurement is undertaken and that appropriate procurement systems are being used when purchasing goods, services or works.

13. National Procurement Policy Framework 2019 – available [here](#)

14. Comptroller and Auditor General (Amendment) Act 1993 [here](#)

15. Local Government Reform Act 2014 [here](#)

9 PROCUREMENT THRESHOLDS - GOODS & SERVICES

IFI's current procurement structure is mainly a decentralised procurement structure. Procurement responsibility is delegated to many staff members at departmental and regional levels. IFI staff have authority to incur expenditure on behalf of IFI within the limits of their notified budgets and the thresholds in Table 1. They have day to day responsibility and accountability for ensuring that the Procurement Policies and Procedures are applied to all purchases of goods and services within their defined authority. They must ensure the use of OGP National Frameworks where possible and applicable and engage with IFI's procurement officer to ensure compliance.

EU Directives require that all purchase requirements (Tenders) above "Threshold Values" currently in force, are open to European Competition. Tenders with a value above the applicable Threshold Value must be published in the supplement to the Official Journal of the European Union (OJEU) and a set process with prescribed timescales for tendering etc. need to be followed. Below EU Threshold Values, there needs to be competition to satisfy the Irish Government Procurement Rules and the general principles of Non-Discrimination, Equal Treatment, Transparency, Mutual Recognition and Proportionality must be adhered to, in line with EU Treaties.

9.1 IFI Current Expenditure Thresholds

The Regulations amending the EU thresholds for the Directives 2014/23/EU, 2014/24/EU, 2014/25/EU, 2009/81/EC have now been published by the EU Commission. The revised Thresholds (exclusive of VAT) above which advertising of contracts in the Official Journal of the EU is obligatory, are applicable from 1st January 2022. Circular 05/2023 outlines the thresholds for below EU threshold procurement. Staff members must adhere to the following thresholds in relation to all purchases. These thresholds are mandatory and represent minimum requirements. Under no circumstances should requirements be split to bring purchases below a particular threshold. The following Table outlines the current IFI thresholds for goods and services.

Procurement Thresholds

****Thresholds revised March 2023**

*Any Capital spend in excess of 50,000 requires Board Approval
All Procurement over 25,000 must be notified to Procurement Officer for Contract Award Notice publication (Circular 5/23)*

Thresholds: Goods and Services	
VALUE OF CONTRACT – EXC. VAT (€)	PROCESS TO BE FOLLOWED
Less than 250	No Quotes Required (ensure best value through market research)
250 – 1,000	Needs analysis & 3 Verbal Quotes Required (record verbal Quotes received to be included with PO)
1,001 – 5,000	Needs analysis & 3 Written Quotes Required (Quotes Evaluation Form to be completed & proof of quotes requested & all quotes received to be included with PO)
5,001 – 50,000	Business Case, Conflict of Interest Form & 3 Written Quotes Required (Quotes Evaluation Form to be completed & proof of quotes requested & all quotes received to be included with PO in addition to above)
Above 50,000 to 215,000 (EU Threshold)**	Business Case, Tender Process advertised on e-tenders (Tender Evaluation Form & Conflict of Interest to be completed & all tender documentation to be included in PO)
Above EU Threshold (215,000)	Business Case, Tender Process advertised on OJEU & e-tenders (Tender Evaluation Form & Conflict of Interest to be completed & all tender documentation to be included in PO)

VALUE OF CONTRACT BETWEEN €250- €1,000 (EXCL. VAT)

Undertake a needs analysis to clarify if the goods or services are essential or are available elsewhere within IFI. It is sufficient to obtain three verbal quotes for purchases of supplies and services below €1,000. Depending on the nature of the requirement, it may be appropriate to seek more quotations.

VALUE OF CONTRACT BETWEEN €1,001- €5,000 (EXCL. VAT)

Undertake a needs analysis to clarify if the goods or services are essential or are available elsewhere within IFI. Supplies or services contracts between €1,001 and €5,000 in value may be awarded on the basis of responses to written specifications sent to at least three suppliers or service providers. A minimum of three written quotations should be sought from suitably qualified suppliers/providers. Sample IFI Quote Request Forms are available in IFI's Sharepoint [Procurement](#) for staff use in developing quotation specifications. The Quotation Evaluation Form available in IFI's Sharepoint [Procurement](#) should be used to document and evaluate price only or price/quality of quotes received.

VALUE OF CONTRACT BETWEEN €5,001 - €50,000 (EXCL. VAT)^{16.1}

Undertake a needs analysis to clarify if the goods or services are essential or are available elsewhere within IFI. A Business Case should be completed justifying expenditure (template available in IFI's Sharepoint [Procurement](#)). Supplies or services contracts between €5,001 and €50,000^{16.1} in value may be awarded on the basis of responses to written specifications sent to at least three suppliers or service providers. A detailed specification of goods or services required should be prepared outlining, scoring criteria, submission dates etc. Sample Quote Request Forms with detailed Specification examples are available in IFI's Sharepoint [Procurement](#). A minimum of three written quotations should be sought from suitably qualified suppliers/providers. The Quotation Evaluation Form should be used to document and evaluate price only or price/quality of quotes received. Sample notification of award letters are available in IFI's Sharepoint [Procurement](#). **A conflict-of-interest form must be completed for purchased in excess of €5,000.**

VALUE OF CONTRACT BETWEEN €50,001 - €215,000 (EXCL. VAT)

Undertake a needs analysis to clarify if the goods or service are available elsewhere within IFI. A Business Case should be completed justifying expenditure (template in IFI's Sharepoint [Procurement](#)). All Request for Tenders for over €50,000 must be advertised on the government procurement website www.E-Tenders.gov.ie All such competitions should be conducted in consultation with the Procurement Officer. IFI uses specific Request for Tender (RFT) templates, Tender Response Documents (TRD), pre award and post award letters to tenderers in line with OGP guidance which are available in IFI's Sharepoint [Procurement](#). All capital expenditure in excess of €50,000 must have prior Board approval.

VALUE OF CONTRACT OVER €215,000 (EXC. VAT)¹⁶

Undertake a needs analysis to clarify if the goods or service are essential or are available elsewhere within IFI. A Business Case should be completed justifying expenditure (samples provided in IFI's Sharepoint Procurement Tab. The EU directives apply to Contracts for Supplies and Services over €215,000. All such competitions must be advertised on [E-Tenders \(OJEU\)](#) website and all such competitions should be conducted in consultation with the Procurement Officer. IFI uses specific Request for Tender (RFT) templates, Tender Response Documents (TRD), pre award and post award letters to tenderers in line with OGP guidance which are available in IFI's Sharepoint [Procurement](#). All capital expenditure in excess of €50,000 must have prior Board approval.

16. EU Threshold as of January 2022. EU thresholds are updated every 2 years – current thresholds available [here](#)

16.1. Revised Advertising Thresholds introduced in 2023 – [Circular 05/2023](#)

INFORMATION COMMUNICATION TECHNOLOGY (ICT) & DIGITAL RELATED PROCUREMENT

The Department of Public Expenditure and Reform (DPER) Circular 02/16¹⁷, in respect of arrangements for digital and ICT related expenditure in the Civil & Public Service applies to ICT purchases by IFI. The main principle of the circular is that prior specific approval of OGCIO, Digital Government Oversight Unit is required annually for all new ICT-related expenditure or new ICT-related initiatives which may give rise to expenditure of €25,000 or greater. Requests for approval must be submitted prior to commencing a procurement exercise or otherwise committing applicable expenditure. Costs of proposals should be calculated and assessed on a total cost of ownership basis and Costs should be calculated and evaluated over the lifetime of the proposed contract or five years if the contract is not for a specified term. All ICT procurement opportunities with a value of €25,000 or greater must be advertised on the Government E-Tenders website unless it is proposed to use a properly procured existing arrangement, central framework or other centrally established procurement vehicle.

All Capital procurement processes in excess of €50,000 must firstly have Approval from the Board of IFI

9.2 Timescales – Open & Restricted Tendering¹⁸

The following table outlines the timescales with regard to Open and Restricted tendering procedures, which would be the most common tendering processes for IFI when procuring goods and services.

Choice of procedure and stage (all tendering through E-Tenders)	Standard timescale Below EU Threshold	Standard Timescale Above EU Threshold (OJEU)
OPEN		
Publish RFT to receipt of responses	21-30 days, dependent on complexity	30 days
Standstill	As stated in RFT(Min 7)	14 days
RESTRICTED		
Publish EOI to receipt of responses	21-30 days, dependent on complexity	30 days
RFT to receipt of bids	21-30 days, dependent on complexity	25 days
Standstill	As stated in RFT(Min 7)	14 days

17. Circular 02/16 Arrangements for Digital and ICT-related Expenditure in the Civil and Public Service available [here](#)

18. All expressed in Calendar days and relate to goods and services. For works related timescales go to Section 11

10 TENDERING PROCEDURE GOODS AND SERVICES

Contracting authorities have a relatively flexible choice of EU procurement procedures. Directive 2014/24/EU defines the following procedures and specific criteria for various situations:

Open procedure: any supplier that meets the criteria defined in the contract notice can submit a tender application.

Restricted procedure: the tender is only open to suppliers selected on the basis of objective criteria. This procedure is generally used when the marketplace is very competitive, for example for cleaning, furniture or IT equipment.

Negotiated procedure: authorities can negotiate the terms of a contract with one or more suppliers of their choice in **certain justified circumstances** (very limited and needs prior approval).

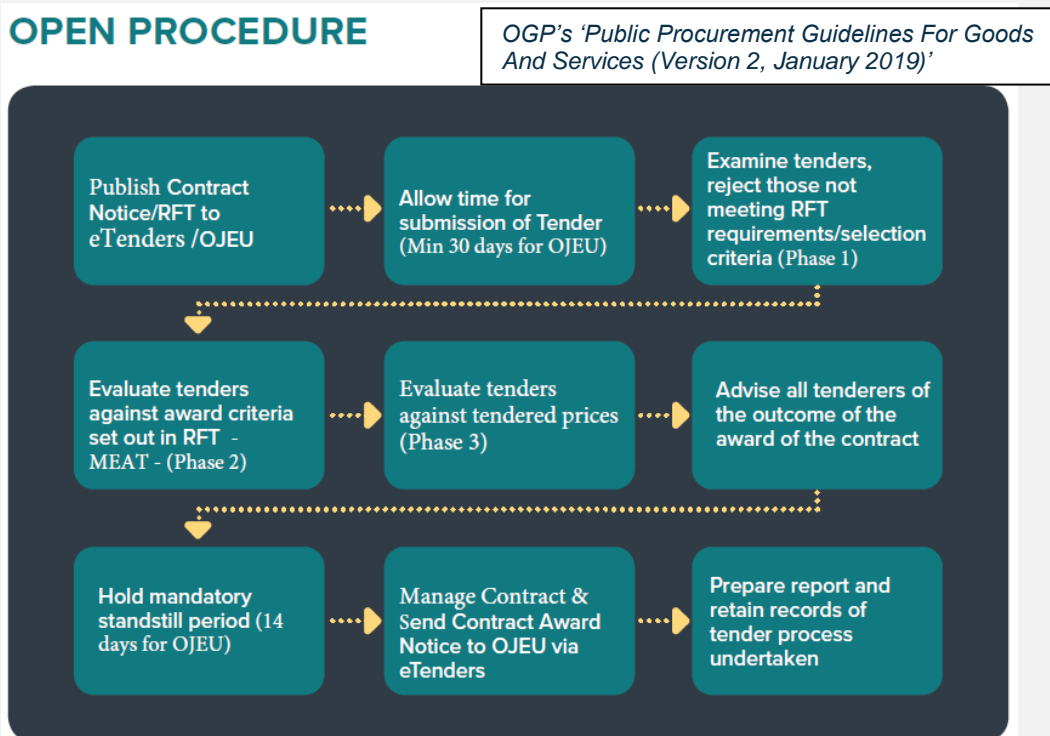
Competitive procedure with negotiation: any economic operator can submit a request to take part in a competitive tender, but only a few are invited to submit an initial bid, which will become the basis for subsequent negotiations with the contracting authority.

Competitive dialogue procedure: used to allow contracting authorities to engage in post-tender negotiations with at least three bidders for particularly complex procurements.

Innovation partnership: a three-stage procurement process for the purchase of R&D services to develop an innovative solution and the resulting innovative products, services or works.

10.1 Open Procedure

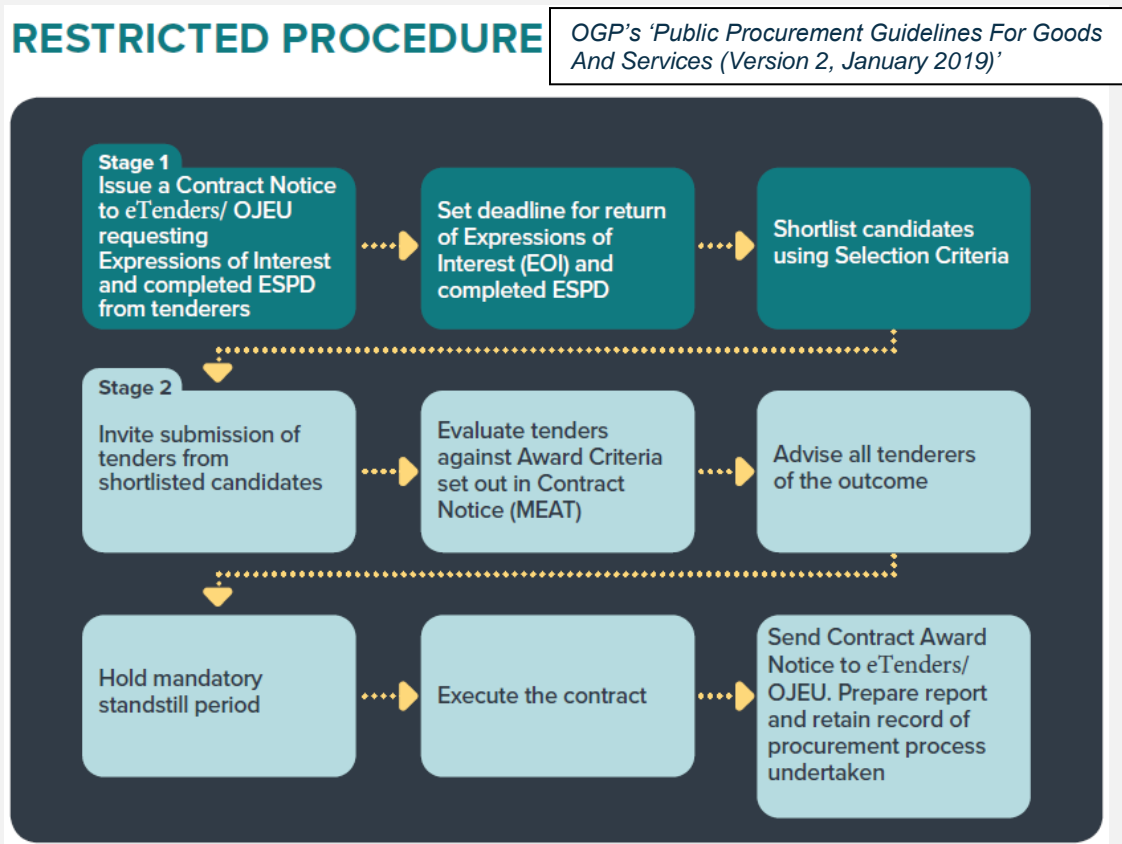
The Open Procedure is a single stage procedure where a Contract Notice and Request for Tender document (RFT) is placed in E-Tenders/OJEU (via E-Tenders). The Contract Notice will clearly state that the contract is being carried out using the Open Procedure. All interested parties may submit tenders. It is important that the Selection Criteria and Award Criteria are made clear in the Contract Notice and the RFT so that all potential tenderers can understand how the procurement process will be run and how they will be evaluated. Only tenderers who are not disqualified on Exclusion Grounds and meet the Selection Criteria are evaluated against the Awards Criteria set out in the RFT.



10.2 Restricted Procedure

The Restricted Procedure is a two-stage procedure, a pre-qualification stage which is open to all interested parties who wish to submit an expression of interest, and an award stage where candidates shortlisted at the pre-qualification stage are invited to submit tenders and are assessed against Award Criteria set out in the Request for Tender (RFT). The first stage requires interested suppliers to submit an Expression of Interest (EOI) and to self-declare using an ESPD form that they are not subject to any of the Exclusion Grounds (set out in Regulation 57 of the 2016 Regulations) and can meet the relevant Selection Criteria set for the competition. Once the Contract Notice is published, suppliers have a minimum of 30 days to submit an EOI and ESPD and if shortlisted a further 30 days for submission of tenders. Reductions in timescales are available where a Prior Information Notice (PIN) was issued.

The purpose of the Selection Criteria is to assess the capability of each candidate to carry out the required services or provide the required goods. The Contract Notice must state the number of candidates that will be invited to tender. If this is not done, all candidates who meet the Selection Criteria must be invited to submit tenders. A minimum of five candidates should be invited to tender (provided there is at least this number who meet the Selection Criteria).



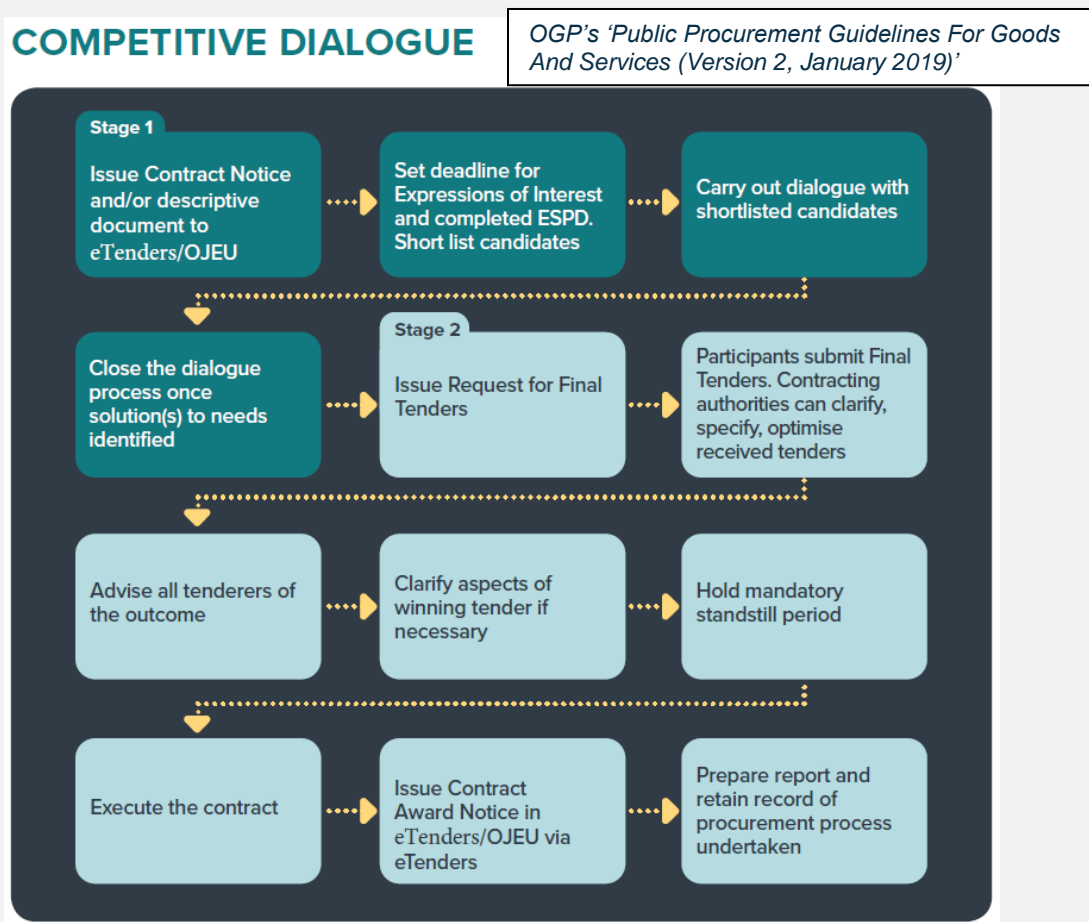
10.3 Competitive Dialogue Procedure

The Competitive Dialogue Procedure may only be used for works, goods and services contracts where one or more of the following circumstances apply (contact procurement officer):

- ◆ 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

The Contract Notice must set out and define the needs and requirements of the contracting authority and it will make it clear that the Competitive Dialogue procedure is being used. The Contract Notice will also set out the Award Criteria which the public body will apply during the dialogue stage. A selection is made of those who respond to the advertisement and the contracting authority enters into dialogue with those selected to develop one or more suitable solutions for its requirements. The contracting authority may reduce the number of solutions throughout the dialogue and then invite tenderers to tender on the basis of the specified solution(s).

Ideal when the contracting authority is not in a position to define a solution and/or when multiple solutions may exist in the marketplace and involves the following stages: Qualification stage, Dialogue stage(s), Tender stage, Clarification / verification / negotiation with Successive reduction of solutions can be applied after each dialogue stage can be used to refine and identify solutions



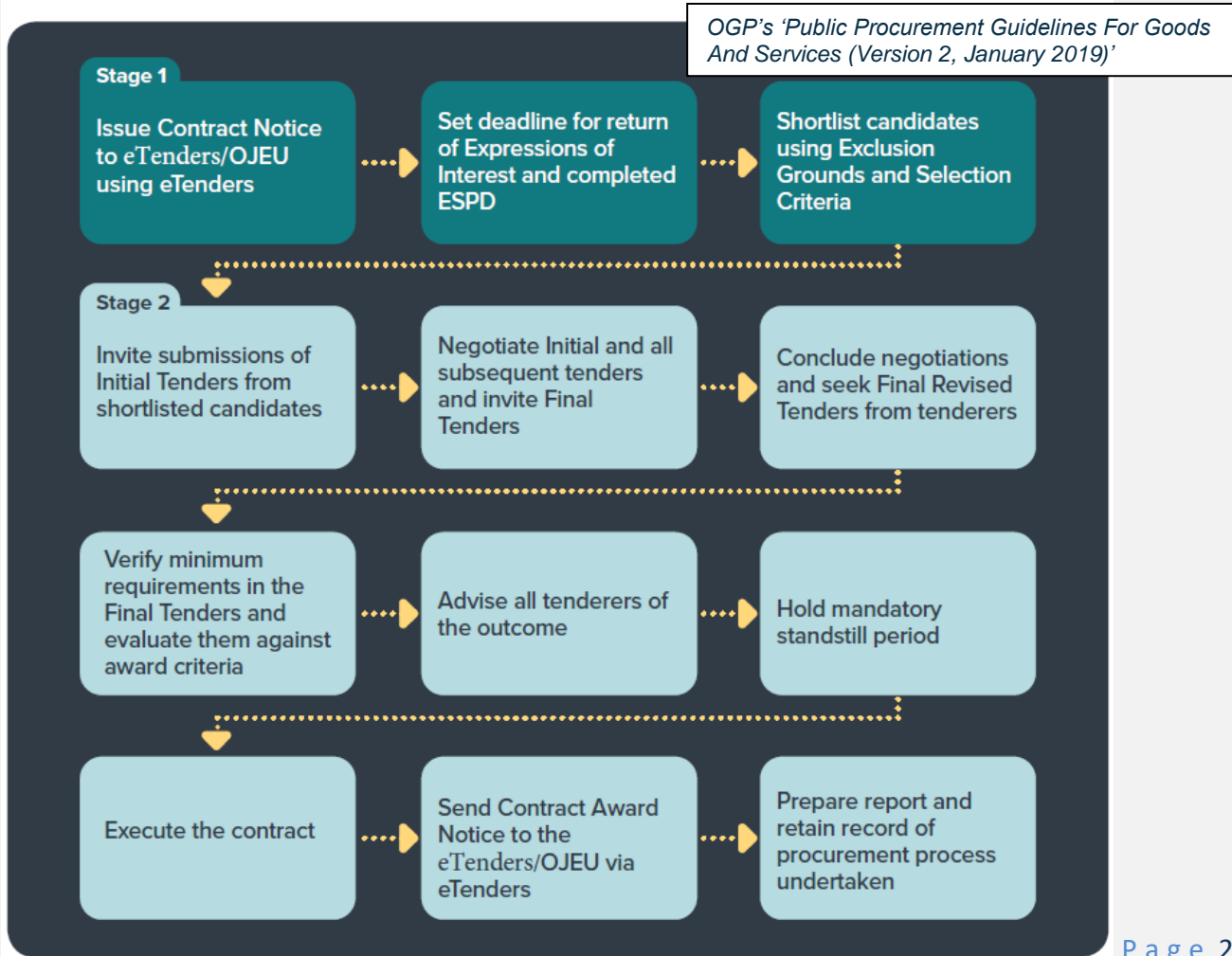
10.4 Competitive Procedure With Negotiation

The Competitive Procedure with Negotiation may only be used for works, goods and services contracts where one or more of the following circumstances apply (contact procurement officer):

- ◆ 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

Generally suitable when the requirement can be defined to some degree and includes a qualification stage, tender stage, negotiation stage. This procedure requires a minimum based specification and only those meeting minimum requirements can be invited to negotiate. Generally for procuring services or goods that require adaptation or design inputs. i.e. in cases of complex purchases, such as sophisticated products, intellectual services or major information and communication technology tools

COMPETITIVE PROCEDURE WITH NEGOTIATION



11 WORKS (BUILDING AND RELATED SERVICES)¹⁹

Building Works can be defined as works wherein a material or structural element of the property would be altered. All building works must comply with all statutory requirements including Building Regulations, Planning Permission, Fire Certificate and Disability Access Certificate requirements. In addition, the Safety Health and Welfare at Work (Construction Regulations 2006) must be complied with, and a Project Supervisor Design Process (PSDP) and Project Supervisor Construction Stage (PSCS) appointed where necessary.

The primary consideration in procurement of construction projects is the need to match the correct procurement strategy with the right contract type so that best value for money is obtained regarding the infrastructure being provided. The standard suite of contracts in the Capital Works Management Framework consists of generic forms (Contract Conditions) that can be used in different situations. Before embarking on a public works project, IFI needs to identify the contract type that is most suitable. It is at this stage, before significant design decisions are taken, that the type of contract should be selected. The Capital Works Management Framework (CWMF) comprises a suite of standard procurement documents, model forms, works contracts, as well as guidance notes, which apply to the conduct of public sector capital works projects in Ireland. The documents are available at www.constructionprocurement.gov.ie.

The CWMF documents should be used, where possible, for under threshold procurement also.

The following Table outlines the current IFI thresholds for Works and Work-Related services.

Procurement Thresholds

Revised Threshold March 2023

*Any Capital spend in excess of 50,000 requires Board Approval
All Procurement over 25,000 must be notified to Procurement Officer for Contract Award Notice publication (Circular 5/23)*

Thresholds: Works & Works Related	
VALUE OF CONTRACT – EXC. VAT (€)	PROCESS TO BE FOLLOWED
1,000 – 5,000	Needs analysis & 3 Written Quotes Required (Quotes Evaluation Form to be completed & proof of quotes requested & all quotes received to be included with PO)
5,001 – 200,000 for Works 5,001 – 50,000 for Works Related	Business Case, Conflict of Interest Form & 5 Written Quotes Required (Quotes evaluation Form to be completed, proof of quotes requested & all quotes received to be included with PO in addition to above)
From 200,001 to EU Threshold (5,382,000 for Works) From 50,001 to EU Threshold (215,000 for Works Related)	Business Case, Tender Process advertised on e-tenders (Tender Evaluation Form & Conflict of Interest to be completed & all tender documentation to be included in PO)
Above EU Threshold (5,382,000 for Works) Above EU Threshold (215,000 for Works Related)	Business Case, Tender Process advertised on OJEU & e-tenders Tender Evaluation Form & Conflict of Interest to be completed & all tender documentation to be included in PO)

19. Public works contracts are contracts having as their object either the execution of works or the design and execution of works wherein a material or structural element of the property would be altered. Works are defined by reference to Schedule 1 of the [Procurement Regulations](#) and to the Common Procurement Vocabulary (CPV) Division 45

19.1. Revised Advertising Thresholds introduced in 2023 – [Circular 05/2023](#)

11.1 Tendering Types for Works/Works Related Contracts

Works Projects (excluding VAT):

- (i) For works projects with a Construction value of less than €50,000 (excluding VAT) either the Restricted Procedure or the Open Procedure may be used. Publishing on E-Tenders is not required (unless there is the possibility of cross-border interest).
- (ii) For works projects with a Construction value from €50,000 to €250,000(excluding VAT) the Open Procedure must be used. Publishing on E-Tenders is required for values in excess of €200,000
- (iii) For works projects with a Construction value from €250,000 to €5,382,000(excluding VAT) the Open Or Restricted Procedure can be used. Publishing on E-Tenders is required
- (iv) For works projects with a Construction value greater than €5,382,000 (excluding VAT) Publishing on OJEU is required

Works Related Projects (excluding VAT):

- (v) For works related projects with a value of less than €50,000 (excluding VAT) either the Restricted Procedure or the Open Procedure may be used. Publishing on E-Tenders is not required (unless there is the possibility of cross-border interest).
- (vi) For works related projects with a value from €50,000 to €215,000(excluding VAT) the Open Procedure must be used. Publishing on E-Tenders is required
- (vii) For works related projects with a value greater than €215,000 (excluding VAT) Publishing on OJEU is required

The key Works and Works Related tendering and contract forms are outlined below^{20 21}:

CWMF – Document Coding Scheme	
The documents are coded according to the following scheme:	
CODE	DESCRIPTION
AR	Arbitration Rules
CO	Cost Planning / Control Form
COE	Standard Conditions of Engagement
FTS	Form of Tender and Schedule
GL	Glossary
GN	Guidance Note
ITTS	Invitation To Tender, Services
ITTW	Invitation To Tender, Works
MF	Model Form
PW-CF	Public Works Contract Form
QC	Questionnaire: Suitability Assessment for Service Provider
QW	Questionnaire: Suitability Assessment for Works Contractor

OGP's Capital Works Management Framework (2018)

20. CWMF Works Forms of Contract [available here](#)

21. Capital Works Management Framework Works and Works Related Procurement [available here](#)

11.2 Identifying CWMF Project/Contract Type

Under the CWMF the key project types are as follows:

Employer Designed Contracts:		
Contract Value	Nature of Works	Code & Form of Contract
Value of Contract ≤ €1m	Traditional – Building & Civil Engineering	PW-CF6 – Public Works Short Form of Contract for Public Building and Civil Engineering Works
Value of Contract > €1m and ≤ €5m	Traditional – Building & Civil Engineering	PW-CF5 – Public Works Contract for Minor Building and Civil Engineering works designed by the Employer
Value of Contract > €5m	Traditional – Building	PW-CF1 – Public Works Contract for Building Works designed by the Employer
Value of Contract > €5m	Traditional – Civil Engineering	PW-CF3 – Public Works Contract for Civil Engineering Works designed by the Employer
Contractor Designed Contracts:		
Contract Value	Nature of Works	Code & Form of Contract
Value of Contract > €5m	Design & Build – Building Works	PW-CF2 – Public Works Contract for Building Works designed by the Contractor
Value of Contract > €5m	Design & Build – Civil Engineering	PW-CF4 – Public Works Contract for Civil Engineering Works designed by the Contractor
Investigation Contracts:		
Contract Value	Nature of Works	Code & Form of Contract
Value of Contract ≤ €50,000	Investigation Works	PW-CF8 – Public Works Investigation Short Form of Contract
Value of Contract > €50,000	Investigation Works	PW-CF7 – Public Works Investigation Contract



11.3 CWMF Revised Professional Indemnity Insurance Guidelines²²

As a result of a tightening of the insurance market for professional indemnity insurance (PII), policies for construction professionals and contractors are becoming increasingly expensive, are providing a reduced level of cover, have a greater number of exclusions and increased levels of excess.

In response to these changed market conditions, the OGP is working on providing amendments to the procurement templates in the CWMF and guidance on PII has been summarised in Circular 05/2022 – [Construction Procurement Reform – Revised Guidelines for Professional Indemnity Insurance Levels in Public Works Projects²²](#). Both the tables below provide recommended OGP PII insurance guidelines.

OGP Recommended levels for *Consultants* PII Insurance

OGP's Capital Works Management Framework (2018)

Estimated Construction Cost	Level of Indemnity for Each and Every Claim Cover	Alternative Level of Indemnity for Annual Aggregate Cover
€50,000 or less	Up to €300,000	Up to €400,000
€50,001 - €1,000,000	€300,000 - €600,000	€400,000 - €700,000
€1,000,001 - €5,000,000	€600,000 - €1,250,000	€700,000 - €1,500,000
€5,000,001 - €20,000,000	€1,250,000 - €3,000,000	€1,500,000 - €3,500,000
€20,000,001 - €30,000,000	€3,000,000 - €3,500,000	€3,500,000 - €4,000,000
€30,000,001 - €40,000,000	€3,500,000 - €4,000,000	€4,000,000 - €4,500,000
€40,000,001 - €60,000,000	€4,000,000 - €5,500,000	€4,500,000 - €6,000,000
Over €60,000,000	€6,000,000*	€6,500,000*

OGP Recommended levels for *Contractors* PII Insurance

Estimated Construction Cost	Employer Design Contracts Level of indemnity (annual aggregate)	Contractor Design Contracts Level of indemnity (annual aggregate)
€50,000 or less	-	-
€50,001 - €1,000,000	Up to €250,000	Up to €700,000
€1,000,001 - €5,000,000	€250,000 - €750,000	€700,000 - €2,000,000
€5,000,001 - €20,000,000	€750,000 - €1,500,000	€2,000,000 - €4,000,000
€20,000,001 - €30,000,000	€1,500,000 - €2,000,000	€4,000,000 - €4,500,000
€30,000,001 - €40,000,000	€2,000,000 - €2,500,000	€4,500,000 - €5,000,000
€40,000,001 - €60,000,000	€2,000,000 - €2,500,000	€5,000,000 - €6,500,000
Over €60,000,000	€4,000,000*	€7,000,000*

22. Construction Procurement Reform – Revised Guidelines for Professional Indemnity Insurance Levels in Public Works Projects [available here](#)

12 FRAMEWORKS – INCLUDING OGP/ SECTORAL FRAMEWORKS

A framework agreement is an agreement between a contracting authority and one or more contractors which sets out terms and conditions under which specific purchases can be made during the term of the agreement. Article 33(1) of Directive 2014/24/EU²³ defines a framework agreement as:

'... an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.'

Article 33 of Directive 2014/24/EU²³ sets out the conditions and procedures under which agreements must be set up and contracts based on the agreements awarded.

The Office of Government Procurement has established a large number of centralised framework agreements for use by public sector bodies. A list of the centralised frameworks is available on the OGP's website at www.ogp.gov.ie or by contacting IFI's procurement officer. In the first instance IFI undertakes to use OGP Framework agreements where appropriate and suitable to IFI's specific requirements, as outlined in Section 8.1 above. In the case of a Single Party OGP Frameworks it is not necessary to obtain further competitive quotations and orders may be placed directly with the winning supplier. In the case of Multi Party Supplier Frameworks it will be necessary to conduct a 'mini-competition' or similar. Guidance is available on the [OGP website](#) or from IFI's procurement officer. OGP frameworks use a 5 tier complexity level rating which indicates the timeframe for drawdown on such frameworks as outlined below:

Complexity Level		Timeframe to Contract Finalisation
Tier 1:	Utilities Sign Up	Available immediately
Tier 2:	Direct Drawdown	Available immediately
Tier 3:	Low Complexity Mini- Competition	Up to 10 weeks
Tier 4:	Medium Complexity Mini- Competition	Between 10 and 20 weeks
Tier 5:	High Complexity Mini- Competition	6 months with well-developed specification

Where a central procurement framework or contract is not used by IFI , a value for money justification should be kept on file for audit purposes.

23. Article 33(1) of Directive 2014/24/EU framework agreement [available here](#)

Where IFI is tasked with establishing its own framework, it should be noted that the maximum term for a framework agreement is four years under the Public Contract Regulations and eight years under the Utilities Regulations. All of the successful framework members on the framework capable of performing the contract must be invited to participate in call offs when a multi supplier framework is being used.

Contracting authorities must fix a time limit for submission of tenders which is sufficiently long enough to allow tenders for a call-off contract to be submitted. The substantive procedural rules in the Regulations apply to the award of framework agreements. The award of call-off contracts may be done by awarding directly from the framework or by re-opening competition (mini competition etc), depending on the particular framework being used (single supplier framework or multiple supplier framework).

IFI has an obligation to publish a Contract Notice in the OJEU only for the award of the Framework Agreement itself and does not apply to the award of specific contracts (call offs) under the Framework. However, in line with [DPER Circular 10/2014](#), IFI is required to publish all Contract Award Notices over €25,000 on the E-Tenders website on completion of the award, even for below threshold procurement. This is a separate step to publishing on the OJEU aimed at facilitating measurement of SME participation in public procurement. Please advise the Procurement Officer of any purchases over €25,000.

13 DYNAMIC PURCHASING SYSTEM (DPS)

A DPS is a completely electronic process which comprises two distinct phases:

- A request to participate phase (admission phase) where suppliers apply to be admitted to the DPS by submitting a response to the specified "selection criteria/SQ"; and
- A tender phase where the Contracting Authority invites suppliers on the DPS to submit tenders for a specific contract.

It is essentially set up using the "restricted" procedure. The DPS procedure is set out in Article 34 of the Public Procurement Directive 2014²⁴ and is implemented by Regulation 34 of the Public Contracts Regulations (PCR) 2015. IFI may use a DPS for commonly used purchases the characteristics of which, as generally available on the market, meet their requirements. The DPS must be operated as a completely electronic process and is open throughout the period of validity of the purchasing system to any economic operator that satisfies the selection criteria. In contrast to a framework which has a specific timeframe of 4 years and a limited number of suppliers selected, there can be no limit on the number of suppliers admitted to the DPS, suppliers can apply to enter a DPS at any time. This means a supplier that is initially unsuccessful can re-apply if it later meets the criteria. All the candidates satisfying the selection criteria must be admitted to the system, and the number of candidates to be admitted to the system will not be limited. There is also no time restriction on the length of a DPS unlike a framework.

IFI commits to using OGP DPS contracts where suitable and operationally appropriate to do so.

24. Article 34 of the Public Procurement Directive 2014 [available here](#)

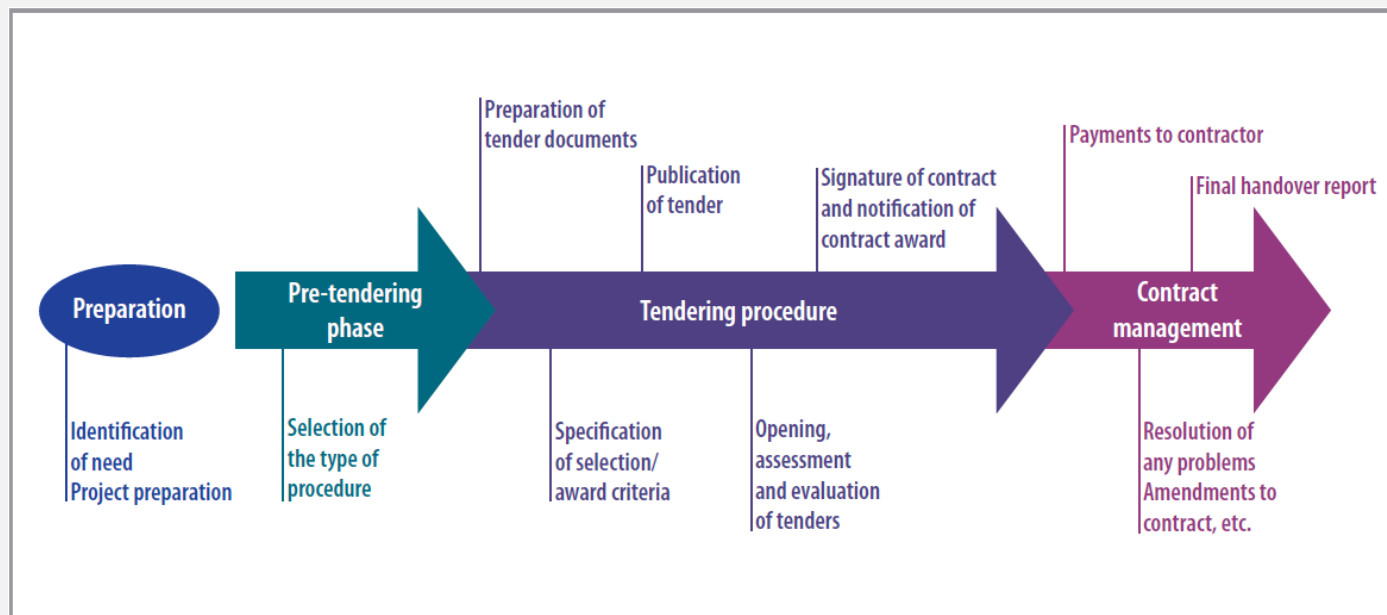


14 SOLE SOURCE PROCUREMENT

It is a basic principle of public procurement that a competitive tendering process should always be used unless there are justifiable and exceptional circumstances for not doing so. A sole source procurement can be defined as any contract entered into without a competitive process, based on a justification that only one known source exists or that only one single supplier can fulfil the requirements. Proprietary brand preferences do not justify sole source where more than one potential supplier for the required item or service exists. Where there is only a sole source for a particular item or service a Sole Source Justification Form should be completed for approval. A competitive process may be required to substantiate the sole source claim before approval is granted. In all instances, it is the responsibility of IFI staff involved to keep abreast of developments in the market in order to ensure that new products and suppliers for such services or supplies are identified as they become available. Any orders placed for goods or services with sole sources must be authorised by **IFI's Finance Division**.

15 PREPARATION & PRE-TENDERING PHASES

Once IFI has established the need for a good, service or work project, the procurement process begins with identifying the need, developing a business case, moving to specification stages through to the selection, award and contract management stages. The main phases of public procurement procedures for a tender process are set out in the diagram below by the European Court of Auditors.



15.1 Preparing a Business Case

IFI staff must prepare a business case where it has been identified as a requirement under the expenditure thresholds in Section 9.1 above. Each Business Case should be proportional to the size and complexity of the project, not every aspect is necessary in case of smaller projects. Each business case should provide a clear rationale as to why the procurement should go ahead and that demonstrates that key procurement aspects have been considered. The purpose of the business case is to establish a clear justification for the proposed procurement by demonstrating that the project/contract will meet IFI's needs in an affordable, achievable manner using the most appropriate tendering procedure. A Business case template is available on [Sharepoint-Procurement](#).

The business case should cover:

- Confirmation that the business need cannot be met in any other way
- Confirmation that the business need is aligned with IFI strategic goals and business plan objectives
- Confirmation that the goods/service is not available internally
- Sourcing options and Rationale for procurement/tendering method selected
- The key benefits to be realised/problems that the goods/service/works will solve
- The outline of the timescales
- The justification for the goods/service/works
- The estimated costs and budget availability
- Any key risks are identified

15.2 Pre-Market Consultation

The 2016 Regulations explicitly allow a contracting authority to conduct market consultations with suppliers and expert bodies before the start of a procurement process which may facilitate improved specifications and better outcomes. Preliminary market consultation can provide insights about the capacity of the market to deliver on the requirements of the contracting authority and the risks involved.

[Public Procurement Guidelines](#)) clearly states that is essential, however, that this practice “*does not create advantages for certain market players or result in specifications and tender documents being drafted in their favour. Market consultation should be sufficiently broad to provide the contracting authority with meaningful feedback on the relevant market. If the market consultation is followed by a tender competition, it is important that there is no basis for any assertion of bias, unfairness, discrimination or lack of transparency. Therefore, the process adopted and information received during market consultation should be clearly recorded in writing. Contracting authorities should take appropriate measures to ensure that participation by potential tenderers in pre-market consultations does not distort competition, that any relevant information exchanged in the context of, or resulting from, the involvement of a tenderer in the pre-market consultation is made available to all other participating tenderers*”.

“Compliance with the obligation of transparency requires that the process of obtaining market intelligence is kept separate from the tendering and award phase of the competition”

15.3 Developing the Specification

One of the most important considerations when developing an RFQ/RFT **it is critical that a clear and comprehensive list of requirements is compiled in a detailed, transparent, easy to understand manner.** This specification will be directly linked to the criteria used to evaluate each tender and ultimately marks will be awarded on the basis of these specific criteria, making the specification a critical element in achieving a successful tender outcome. Staff must ensure that the specifications are clear and comprehensive and not discriminatory. In particular, specifications should use generic technical specifications and avoid proprietary brand names. Vigilance is required to ensure that the wording used is not unnecessarily restrictive in the sense that it could or would be construed to have been drafted in such a way as to limit the number of potential suppliers. The dangers of not being vigilant and extremely detailed in your requirements can lead to potential challenges or collapsed tenders. Guidance document [available here](#).

Contact IFI’s Procurement Officer for assistance on developing specifications.

When publishing a tender it is important to use the correct and appropriate Common Procurement Vocabulary (CPV) Codes to ensure the best market fit for IFI’s products or services. CPV codes establishes a single classification system aimed at standardising the references used across the EU market.²⁵

A good specification defines IFI’s requirements, making our exact requirements clear. It equally guides the tenderer to provide excellent submissions as they are clear on what our specific requirements are. The specifications become the basis for the contract with the supplier and the clearer the specification, the easier it is to manage the contract. Clear and complete specifications enable us to evaluate whether we have received what we wanted and whether the supplier gave us exactly what we asked for. Poor specifications lead to inefficiencies, confusion, disagreement and ultimately conflict

25. CPV Codes legislation [available here](#)

16 OPENING & SELECTING TENDERERS

16.1 Opening of Tenders

Since 2018 the electronic submission of tenders and requests to participate is now mandatory. All RFQs/RFTs should be opened as soon as possible after the closing date by two people, as detailed in below section on E-Tenders website

✓ Define opening committee
Define users to open the tender box [Edit](#)

E-Tenders automatically generates a formal Tender Opening Report.

The evaluation process must be carried out by at least two people. The evaluation process must be demonstrably objective and transparent and based solely on the specified criteria notified to suppliers in the invitation to tender documentation.

The evaluation process is a set of formal defined steps to be followed by an evaluation team – to conduct an objective assessment of the responses received in response to a Request for Tender. The objective of an evaluation process is twofold:

- To select the most appropriate proposal to meet the IFI's requirements
- To ensure staff undertake a fair and transparent process including retaining supporting documentation that will support the evaluation process and final decision

16.2 Conflicts of Interest

The Regulations require contracting authorities to take appropriate measures to effectively “prevent, identify and remedy conflicts of interest arising in the conduct of procurement procedures so as to avoid any distortion of competition and to ensure equal treatment of all economic operators”. “Conflicts of interest” include any situation where a relevant staff member has, directly or indirectly, a financial economic or other personal interest that might be perceived to compromise his or her impartiality and independence in the context of the procurement procedure. Staff involved in tendering evaluations are required to sign a ‘Conflict of Interest’ form and also for any purchase in excess of €5,000..

External experts should sign confidentiality and non-disclosure agreements and comply with any other security or confidentiality requirements of the contracting authority and should return to the contracting authority all documentation, materials and notes received or made during the evaluation.

A Conflict-of-Interest Form must be signed by all IFI staff for any procurement in excess of €5,000

16.3 ESPD and Exclusion Grounds (Initial Selection Stage)²⁶

At the selection stage contracting authorities are required to exclude from further consideration any tenderers who have been convicted of specified offences. The European Single Procurement Document (ESPD) is a standard self-declaration form used in OJEU level public procurement procedures across the EU. Its purpose is to remove some of the barriers to participation in public procurement, especially for small and medium-sized enterprises (SMEs). According to Regulation 59(7) of the Public Procurement Directives the ESPD shall be provided exclusively in electronic format and acts as a “business passport” for companies bidding for tenders anywhere in the EU. The ESPD is a list of questions that potential suppliers have to answer to provide a self-declaration that none of the exclusion grounds has been breached, and that they meet the required selection criteria. The mandatory Exclusion Grounds are where a tenderer has been convicted of participation in a criminal organisation, corruption, fraud, terrorist offences or offences linked to terrorist activities, money laundering or terrorist financing, child labour and human-trafficking related offences, breach of tax or social security obligations.

The component parts of the ESPD are as follows:

- Part I - Information concerning the procurement procedure and the contracting authority
- Part II - Information concerning the supplier (only displays in the supplier ESPD response)
- Part III – Self-declaration on Exclusion criteria
 - Section A: Six Grounds relating to criminal convictions (Mandatory)
 - Section B: Two Grounds relating to the payment of taxes or social security contributions (Mandatory)
 - Section C: Fifteen Grounds relating to insolvency, conflicts of interests or professional misconduct (Optional)
- Part IV - Selection criteria (All Optional) – Global Indication available allowing the buyer to continue to set-out selection criteria in their request for tender documents
 - Section A: Four Suitability Questions
 - Section B: Eight Economic and financial standing
 - Section C: Eighteen Technical and professional ability
 - Section D: Two Quality assurance schemes and environmental management standards
- Part V - Reduction of the number of qualified candidates (Restricted two-step procedures only)
- Part VI - Concluding statements by supplier

The European Single Procurement Document should be used as a self-declaration approach to compliance with Article 57 of the Directive. Evidence of compliance must be sought prior to the award of contract for all above EU threshold procurements using the electronic form of ESPD available on . It is IFI policy to request candidates to self-declare also for under EU threshold contracts through the TRDs.

A completed ESPD is also required from any organisations that potential suppliers rely on to meet the selection criteria. These might include parent companies, affiliates, associates, or essential subcontractors.

26. ESPD regulations [Available here](#)

SELF-CLEANSING: The 2016 Regulations provide for a long-stop date of 5 years from the date of conviction for the mandatory exclusionary grounds. The 2016 Regulations provide for a long-stop date of three years from the date of the relevant event for the discretionary exclusion grounds. Where any of the mandatory or discretionary exclusion grounds apply to a tenderer, it may utilise the self-cleaning mechanism under the 2016 Regulations to demonstrate its “reliability despite the existence of relevant grounds for exclusion”.

G.P.A: When considering tender submissions, IFI must ensure that it applies no less favourable treatment to the economic operators and signatories of the GPA (Government Procurement Agreement). The GPA is a formal agreement concluded by a number of member States of the World Trade Organisation, including the EU, to observe an open and non - discriminatory public procurement policy and practice among its signatories. The provisions of the EU Directives and the GPA are closely harmonized. Almost all public contracts are covered by the GPA. Regardless of value, all contracts below the EU thresholds which are of “cross-border interest” are subject to EU Treaty principles and where cross border interest is identified such contract notices should be advertised under OJEU.

Aggregate Rule: The aggregation rules under the Regulations provide that in certain cases, the value of contracts must be aggregated and where the value of these purchases taken together exceeds the relevant thresholds, the Regulations will apply. The general rule under the Regulations is that a procurement must not be subdivided with the effect of preventing it from falling within the scope of the Regulations.

Abnormally Low Tender: In line with the 2014 Directives, a contracting authority must require tenderers to explain the price or costs proposed in a tender which appears to be abnormally low. Tenders may only be rejected where the evidence supplied does not satisfactorily account for the low level of price or costs proposed. A contracting authority must reject a tender where it has been established that the prices are abnormally low because of non-compliance with applicable obligations in the fields of environmental, social and labour law.

Clarifications: 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. Any clarifications required should be addressed through the Procurement Officer to ensure IFI will not be in breach of procurement rules.

The awarding authority may at its own discretion decide not to award any contract and to cancel the entire contract award procedure at any time during the procurement process. In doing so it must so notify tenderers of its decision and provide reasons

16.4 Selection/Pre-Qualification Criteria (Phase 1)

Prequalification questionnaire (PQQ) criteria or selection criteria is the process of evaluating candidates against a pre-determined set of criteria in accordance with Articles 56 to 64 of the procurement directive and the general principle of procurement law. Selection Criteria test financial, economic and technical capacity of tenderers. They ensure a robust assessment of suppliers. The Selection criteria must be set in accordance with the type/risks of the contract being awarded. Selection criteria should cover questions and requirements to identify the following elements:

- the profile of the organisation
- grounds for exclusion
- insurance
- financial information
- health and safety, where applicable
- equality and diversity
- technical capacity
- references
- corporate social responsibility

All questions should be answered on a pass/fail basis (eligibility) according to the advertised selection criteria. Each applicant must be treated equally, and the approach used for scoring must be consistent, non-discriminatory and fair. Whether this is a PQQ or selection criteria in an open competition, shortlisting of tenderers who meet the minimum qualification criteria must be carried out by non-discriminatory and transparent rules and criteria made known to candidates. In the case of PQQ, Directive 2004/18/EC²⁷ requires that a sufficient number to ensure adequate competition should be invited to submit tenders and indicates a minimum of five (provided that there is at least this number meeting the pre-qualification criteria). IFI has developed [standard evaluation templates](#) which must be used to evaluate all tenders and where candidates fail to pass the selection criteria phase of the competition, they are disqualified from further evaluation.

IFI staff must ensure that each tender submission is scored only on the basis of the information contained in each tenderers submission and the Evaluation Committee cannot consider any other information received by any means, including personal knowledge or experience of the applicant.

27. Article 44 Verification of the suitability and choice of participants and award of contracts [available here](#)



Other notable points when developing and evaluating selection criteria are as follows:

1. *Selection criteria must always mention 'or equivalent' when specifying standards, brands or origins of any type*
2. *Minimum annual turnover of for instance €500k where the contract value is €250k per year (The maximum requirement for annual turnover from the economic operators is two times the current amount under Article 58 of Directive 2014/24/EU)*
3. *References for similar previous contracts/projects within the last three/five years. Each reference must be detailed – as a general rule, at least two of the references must be appropriate to the contract and references should be checked at selection phase*
4. *Valid insurance certificates – documentation that the insurances are in force or will be put in place at the time of signing the contract*
5. *Where the economic operator is a member of a group of economic operators or consortium, it would be sufficient for the economic and financial standing requirements to be satisfied by the group as a whole and not by each individual member(Article 47(3) of Directive 2004/18/EC)*
6. *Requiring that tenderer must have an office or representative in the country or region, or required to have experience in the country or region is a Violation of Articles 2 and 44(1) of Directive 2004/18/EC*
7. *A failure to publish a time extension in the OJEU and only to inform those tenderers who already obtained the tender documents of the extension can result in unequal treatment of potential tenderers who have not been aware of the extension*
8. *Estimates of costs must be realistic and it is advisable to take a conservative approach.*
9. *If tenders received are priced above EU thresholds, a contracting authority must be able to justify its original estimate if it awards a contract without OJEU advertising.*

16.5 Qualitative Award Criteria (Phase 2)

All tenders must be evaluated against the criteria in a consistent and transparent way using [IFI's standard evaluation templates](#), available in Sharepoint [Procurement](#) or IFI's Procurement Officer. The rationale for the award of marks must be put in writing and backed up with a completed marking scheme signed by all involved in the evaluation process. All back-up documentation must be kept on file. As stated previously, the evaluation process must be demonstrably objective and transparent and based solely on the specified criteria notified to suppliers in the invitation to tender documentation.

Where a tenderer meets the Selection Criteria and meets the requirements set out in the RFT (i.e. a compliant tender) then that tender is entitled to be given due consideration under the Qualitative Award Criteria. However, where a tenderer fails at Phase 1, they will no longer be considered in the evaluation process.

Award Criteria must be set in accordance with the type/risks of the contract being awarded. Award criteria are used to assess how well a tender meets IFI's requirements. The award criteria to be used depend on the specific nature of the procurement. It is recommended that award criteria are developed alongside the specification with some examples of award criteria as follows:

- compliance with contractual terms and conditions – specifications
- the technical merit of the goods or services offered including quality, after sales service
- Qualification and standards of individuals responsible for delivering the RFT requirements
- Delivery timelines & Warranty periods for goods
- life-cycle costs & Environmental considerations
- the risks or constraints associated with the tender

Qualitative award criteria is scored and marks are allocated in line with the weightings detailed in the RFT. IFI generally awards contracts on the basis of the most economically advantageous Tender (MEAT) which includes both price and quality. Any successful tenderer(s) will be asked to provide proof of qualifications, insurances, financials etc. once the evaluation process is complete. IFI uses the following guide when evaluating qualitative award criteria which is based on each individual criteria as listed in individual RFT's.

Quality Score (Based on individual Criteria)	Description
80%-100% of Max Score	Excellent fit to the requirements, No Gap identified
60%-80% of Max Score	Very good fit to the requirements, further information may be needed
40%-60% of Max Score	Good fit, product or service may not fully deliver requirements
20%-40% of Max Score	Poor fit, medium gap identified with little evidence that will deliver requirements
0%-20% of Max Score	Poor fit, very little evidence that will deliver requirements

16.6 Price Award Criteria (Phase 3)

IFI is free to determine the exact price-quality ratio for the award criteria but such criteria must be clearly stated on all RFT's. This ratio varies according to the type of contract. This will often depend on the variance of quality or service levels required in a particular contract. This ratio will be clearly set out in the RFT.

This is the final phase of a tender evaluation, whereby the costs submitted by tenderers are entered into [IFI's standard evaluation templates](#), available from IFI's procurement Officer. For goods and services IFI uses the following formula to allocate scores to pricing, which the evaluation table automatically calculates.

$$\text{Price Scoring - Automatically calculated} \\ (\text{Lowest Tendered Price} / \text{Tendered Price}) * \text{Price Weighting} = \text{Price Score}$$

All evaluations should be carried out by a team with the requisite competencies. Transparency and objectivity is achieved by the use of weighted criteria, including price, which allows a comparative assessment of tenders under each criterion.

17 NOTIFICATION & STANDSTILL PERIOD

17.1 Notifying the Tenderers

All tenderers must be informed of the outcome of the competition at the same time, both successful and unsuccessful candidates. Advice can be sought from the Procurement Officer on the appropriate template letters, known as "standstill letters". Tenderers who do not meet the minimum evaluation (selection and/or award) criteria are deemed "Inadmissible" under Public Procurement Rules and are subject to different notification requirements where they are only entitled to receive their own scores, reasons for failure and the name of the successful tenderer.

Tenderers who do meet the minimum evaluation criteria are ranked based on scores achieved. Public Procurement Rules specify that the unsuccessful tenderers must be provided with their scores as well as the name and scores of the successful tenderer in the notification. For any tendering process, the characteristics and relative advantages of the successful tender must also be provided. The signed evaluation sheet and all backup documentation must be kept on file.

The day after the contract decision notice has been issued the "standstill period" will begin. The standstill period is 14 days for above EU threshold contracts, where the notice is sent electronically or 16 days where the letter is sent by post. The standstill period will not commence until all relevant letters have been despatched. This period is designed to ensure that the procedures which have been followed are open to review before the conclusion of a contract. The standstill process can be managed via E-Tenders. **During the standstill period a contract cannot be concluded.**

A compliant standstill letter must include the following information:

- the Award Criteria
- the name of the successful tenderer
- the score of the recipient
- the score of the successful tenderer
- details of the reason for the decision, including the characteristics and relative advantages of the successful tender
- confirmation of the date before which the contracting authority will not enter into the contract or Framework Agreement (i.e., the date after the end of the standstill period)

Templates are available for all such letters from the Procurement Officer and on [Sharepoint here](#).

18 CONTRACT MANAGEMENT

Under open and restricted tender procedures no contract negotiation should take place on the detail of the contract after the successful tender has been decided (to do so would breach the equal treatment principle). Post - tender negotiation is prohibited under EU rules as it diminishes transparency and can give rise to abuses in the tendering process. The system is designed to operate on the basis that tenderers submit their most competitive bid in response to the specifications set out in an RFT.

National policy currently requires all contracts with a value in excess of €50,000 for goods, services and works related contracts and 200,000 for works contracts, be published on the E-Tenders website (as per [Circular 05/2023](#) whereas for contracts to which the EU procurement directive applies, Article 50 of the directive requires a contract award notice to be published in the OJEU within 30 days of the award of the contract.

All signed contracts regardless of value entered into that involve an ongoing maintenance element or where the supply involves ongoing liaison with the supplier, should be proactively and effectively managed. This should include:

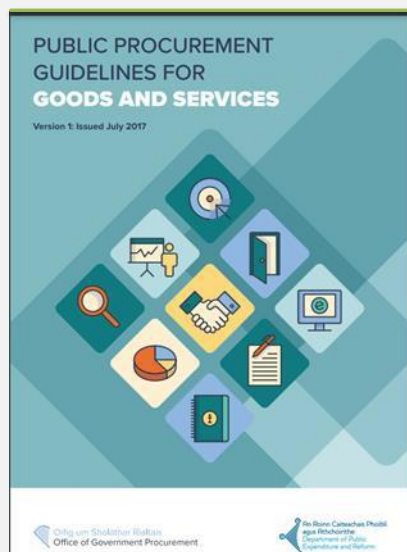
- have a programme of checking goods, services or works against the contract specification
- ensure that there are regular procedures for reporting and for identifying inadequacies / poor performance and appropriate remedial action
- maintain a record of supplier performance against SLA's listed in such contracts
- ensure regular supplier relationship management (SRM) meetings with contracted suppliers
- Identify risks and ensure that contracts register and corresponding risk register are in place for all contracts
- Reviewing and identifying contract end dates well in advance to ensure there is no loss of service for IFI
- Ensure all insurance levels and tax clearance requirements remain in place for suppliers through the life of the contract(s)

Appendix 1 – IFI Suite of Templates

IFI has developed a suite of Templates for use in the procurement of goods, services and works or works related contracts. These templates are available on IFI's Sharepoint [procurement](#) or through IFI's Procurement Officer. Some of the key documents contained in this suite of documents include the following:

- **Invitation to Tender Documents for both Contracts and Frameworks**
- **Invitation to Tender Documents for Works or Works Related contracts**
- **Tender Response Documents for Goods and Services**
- **Examples of RFT's published**
- **Open Tender Evaluation Templates including Conflict of Interest Forms**
- **Works Tender Evaluation Templates including Conflict of Interest Forms**
- **Quotations Evaluation Templates including Conflict of Interest Forms**
- **Notification Letter templates for Goods and Services –Post Tendering**
- **Notification Letter templates for Works and Works Related Contracts – Post Tendering**
- **Notification Letter templates for Quotations**
- **Examples of Quotation Briefs including response templates**
- **Checklist of tendering process**
- **Contract templates for goods, services and Works**
- **Tender Report Templates**

Appendix 2 – Guidance Document



The following Guide is available from the OGP website [link here](#)



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