



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

PROCUREMENT POLICY

2024 - 2028

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1. Introduction

Limerick City and County Council (hereafter LCCC) has a responsibility to ensure that the public procurement function is undertaken honestly, fairly and in a manner that achieves best value for money.

As procurement is decentralised within LCCC, each individual department is responsible for their own procurement and compliance with European Directives, National Legislation Policy and Guidelines. Procurement activities may be audited and you must be in a position to justify the decisions you make, the actions you take and provide all the relevant evidential documentation.

If LCCC is found to be in breach of the Procurement Directive(s) and specifically the principles of procurement, it can have a devastating effect on the Council both financially and on its reputation. The Council can be faced with a high court challenge, which can result in large financial penalties/compensation against LCCC, resulting in public confidence in the Council being jeopardised and unnecessary delays in the project(s)/work(s), this can all be avoided by complying fully with procurement rules.

2. Purpose & Scope

The purpose of this document is to set out the public procurement policies, procedures, the governing principles, and the regulatory framework, which LCCC must adhere too. This applies to the procurement of goods, services, and works by LCCC and/or its' subsidiaries and it has been adopted by LCCC Management Team. This policy applies to all LCCC staff engaging in any aspect of a public procurement process as well as contractors or consultants working for and/or on behalf of LCCC. Any National policy, guidelines or circulars that currently exists or issues in the future will take precedence over the contents of this document.

3. What is Public Procurement

Public Procurement refers to the process by which public service bodies purchase goods, services or works from suppliers which they have selected via a competitive process. It ranges from the purchase of routine goods or services, to large scale contracts for infrastructural projects.

4. Public Procurement Principles

The Treaty of Rome set the procurement principles which applies to all procurement activity regardless of its value.

Transparency: Being open and transparent about the procurement process, providing necessary information to all and decisions/awards should be advertised publicly on the tendering platform.

Equal Treatment: Applying the same rules to all, giving everyone the same right of access, making fair decisions, and treating all equally.

Proportionality: Ensuring that all requirements are necessary and appropriate in relation to the contract. No excessive or disproportionate conditions, criteria, or rules are to be applied.

Non-discrimination: The same rules apply to all with equal rights of access. Decisions are to be based on objectivity and fairness.

Mutual Recognition: Professional Qualifications, Standards and Specifications, etc., where used must be accompanied by the phrase 'or equal and approved'. Ireland adopted EC Directive 2005/36/EC on the recognition of professional qualifications with the Irish Regulations SI 139 of 2008.

5. Regulatory Framework

LCCC's Procurement Policy & Procedures is governed by:

- European Union Directives
- National Legislation and Public Procurement Policy/Guidance
- Public Spending Procurement Code
- Construction Procurement Reform
- All Departmental Circulars relating to public procurement.
 - DPER Circular 05/2023 (Initiatives to assist SME's in public procurement)
 - DPER Circular 16/13 (revision of arrangements concerning the use of centralised procurement arrangements (CPA) put in place by the national procurement service)
 - DPER Circular 09/2024 (Annual reporting of the use of CPA's)
- Public Procurement Guideline for goods and services
- Our Sustainable Future
- Green Procurement Guidance for the Public Sector
- Corporate Procurement Plan 2020 – 2024
- Corporate Plan 2019 – 2024

6. Responsibility for the competitive process

➤ Role of Departments

- Individual departments are responsible for sourcing their requirements while complying with procurement directives, legislation, and policy.
- The department/section conducting the tender/quotation process has full responsibility for all the tender documents, queries, evaluation, awarding and signing of the contract.
- The selection for successful tenderer must be based either on price only or price plus quality.
- They must also manage the contract or framework and ensure the optimal service levels are achieved.
- They also have the responsibility of ensuring that a new tender process is completed prior to expiration of initial contract to ensure continuity of provision of goods/services/ works (where it is applicable).
- They must ensure that the contract/quotation value is not exceeded, and they do not proceed to continue beyond the expiry date of the procured arrangement.
- If a procurement process is to be completed, check with other Council departments to see if a collaborative approach can be taken.

➤ Role of the Procurement Section

- Improve compliance with local and national guidelines and EU procurement rules.
- Advise staff on the correct procedures and provide guidance to ensure compliance.
- Monitor and report on procurement compliance to Management Board.
- Monitor where procurement anomalies may be identified and seek corrective action is undertaken by relevant line manager.
- Liaise with Internal and Local Government Auditors.
- Apply government circulars specifically relating to public procurement.

7. Separation of duties

There must be a separation of duties within the procurement process. The person who is responsible for purchasing the goods/works/services should not be the same person who receives or approves the payment for them.

8. Agresso MS7 Requisition Approval Levels

Management Board have approved this aggresso purchase order approval levels, which are separate from the approver limits to award a tender/contract.

Agresso Purchase Order Approval Levels as Approved by Management Team		
Approver Grade	Requisition Approval Limits from 1st July 2016 - Euro (Ex. VAT)	Agresso Approval Level
Director General	Greater Than €1,000,000	Job Code Approval Level 6
Director of Service	€1,000,000	Job Code Approval Level 5
Senior Engineer, Senior Executive Officer, County Librarian	€100,000	Job Code Approval Level 4
Senior Executive Engineer, Project Administrative Officer	€70,000	Job Code Approval Level 3
Executive Engineer, Senior Staff Officer, Executive Scientist	€40,000	Job Code Approval Level 2
Senior Executive Technician, Staff Officer	€10,000	Job Code Approval Level 1

9. Thresholds and Procedures for Goods and Services

	Threshold and procedures for Goods and Services (All ex VAT)
Estimated Contract Value (exclusive of VAT)	Procurement Procedure
Less than €50,000	<ul style="list-style-type: none"> • Obtain quotations from at least three competitive suppliers. • Specify the timeline/expiry date of the quotations sought. • Use email, eTenders or Supplygov to seek quotations. • It is recommended to set a closing date and time for receipt of quotes. • When requesting a quote via email, ensure to seek an acknowledgement of receipt and follow up promptly via telephone if this is not received.

	<ul style="list-style-type: none"> • Acceptance to be approved by the Administrative Officer (AO), Senior Executive Engineer (SEE) or Analogous by signing the procurement quotations form. • The procurement quotations form, copies of the call for quotations & copies of quotation responses received to be attached to the requisition. • Where quotations are sought via eTenders or Supplygov.ie tendering platforms, the electronic award notice screenshot must be attached to the requisition(s) – (in place of the quotations form & copy of quotations). The approval of acceptance of successful tenderer signed by the AO, SEE or analogous is also required to be attached to the requisition(s). • The budget holder must select based on the specified award criteria. • Advise all tenderers of the outcome of the process. • Keep all documents and receipts for audit purposes in line with retention policy.
€50,001 - €221,000	<ul style="list-style-type: none"> • Must advertise on eTenders platform. • Open procedure must be used (i.e. single stage process including specification, selection and award criteria) – No Pre-qualification of tenders. NOTE: The open procedure may not be appropriate where confidential or sensitive information is contained in the tender document and therefore the restricted procedure can be used on such occasions. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> • Use existing National, Regional or Local frameworks where possible. • Set selection criteria and award criteria with weightings. • Must adhere to electronic tender opening guidelines. • Evaluate tenders based on the published criteria and document on a scoring/marking sheet. • Acceptance to be approved by Approved Officer's Order in-line with delegation orders. • Advise all tenderers of the outcome of the process (giving sufficient information to enable tenderer to understand the reasons they were unsuccessful). • Ensure the contract award notice is completed/published on the tendering platform & the status set to 'awarded'. • Keep all documents and receipts for auditing purposes in line with retention policy.
<p>Above the EU threshold €221,000</p> <p>*Advisable to work on an estimate 10-15% less than the threshold when deciding whether to advertise in OJEU.</p>	<ul style="list-style-type: none"> • Goods and Services above this value must be advertised in the Official Journal of the European Union (OJEU)* and on eTenders NOTE: (eTenders is the tool to advertise in OJEU – the notice will be despatched to the OJEU, and it will be published within 2-3 days on both sites from the date of despatch). • Use open, restricted, negotiated or competitive dialogue procedure. <p style="text-align: center;">OR</p> <p>Use existing National or Regional Framework Agreements in place, where possible.</p> <ul style="list-style-type: none"> • Set selection criteria and award criteria with weightings. • Must adhere to electronic tender opening guidelines. • Evaluate tenders based on the published criteria and document on a scoring/marking sheet.

<p>For certain services called Title III – above the EU threshold of €750,000.</p> <p>Relates to social and related services, training, security, legal, etc.</p>	<ul style="list-style-type: none"> • Acceptance shall be approved by appropriate approved Officer's Order or delegated officer. • Advise all tenderers of the outcome of the process ensuring the minimum information is provided – this includes: name of winner, application of standstill period (14 days), scores, reasons for rejection and features / characteristics of the winner. • Ensure the contract award is completed on the tendering platform & the status set to 'awarded'. • Keep all documents and receipts for auditing purposes in line with retention policy.
<p>€443,000+</p>	<ul style="list-style-type: none"> • Utilities Supplies and Services above this value must be advertised in the OJEU*. • Acceptance shall be approved by appropriate approved Officer's Order or delegated officer. • Advise all tenderers of the outcome of the process ensuring the minimum information is provided – this includes: name of winner, application of standstill period (14 days), scores, reasons for rejection and features / characteristics of the winner. • Ensure the contract award is completed on the tendering platform & the status set to 'awarded'. • Keep all documents and receipts for auditing purposes in line with retention policy.
<p>€10,000,000+</p>	<ul style="list-style-type: none"> • The only additional requirement here is to advise Procurement Officer as Procurement must be listed on Limerick City and County Council website as required by Public Spending Code. • Acceptance shall be approved by appropriate approved Officer's Order or delegated officer. • Advise all tenderers of the outcome of the process ensuring the minimum information is provided – this includes: name of winner, application of standstill period (14 days), scores, reasons for rejection and features / characteristics of the winner. • Ensure the contract award is completed on the tendering platform & the status set to 'awarded'. • Keep all documents and receipts for auditing purposes in line with retention policy.

10. Thresholds and Procedures for Works Related Consultancy Services

	Thresholds and procedures for Works Related Consultancy Services (All ex VAT)
Estimated Contract Value (exclusive of VAT)	Procurement Procedure
Less than €5,000	<ul style="list-style-type: none"> • Obtain quotations from at least three competitive suppliers. • Use email, eTenders or Supplygov to seek quotations. • Specify the timeline/expiry date of the quotations sought. • It is recommended to set a closing date and time for receipt of quotes. • When requesting a quote via email, ensure to seek an acknowledgement of receipt and follow up promptly via telephone if this is not received. • Where quotations are sought via eTenders or Supplygov.ie tendering platforms, the electronic award notice screenshot must be attached to the requisition(s) – (in place of the quotations form & copy of quotations). • The budget holder must select based on the award criteria specified. • No requirement to adhere to tender receipt and opening guidelines. • Appointment of Consultant shall be approved by appropriate approved Officer's Order. • The budget holder must attach the Procurement Quotations form/award screen shot, a copy of quotes obtained & the approved Officer's Order to any requisition being raised. • Advise all tenderers of the outcome of the process. • Keep all documents and receipts for audit purposes in line with retention policy.
€5,001 - €50,000	<ul style="list-style-type: none"> • No requirement to publish on eTenders website or OJEU. * • Use existing National, Regional or Local frameworks, where possible. • If not using a National, Regional or Local Framework, then a minimum of five quotations must be sought electronically, via email or eTenders / Supplygov. • Use email, eTenders or Supplygov to seek quotations. • Specify the timeline/expiry date of the quotations sought. • It is recommended to set a closing date and time for receipt of quotes. • When requesting a quote via email, ensure to seek an acknowledgement of receipt and follow up promptly via telephone if this is not received. • Where quotations are sought via eTenders or Supplygov.ie tendering platforms, the electronic award notice screenshot must be attached to the requisition(s) – (in place of the quotations form & copy of quotations). • The budget holder must select based on the award criteria specified. • No requirement to adhere to tender receipt and opening guidelines. • Appointment of Consultant shall be approved by appropriate approved Officer's Order.

	<ul style="list-style-type: none"> • The budget holder must attach the Procurement Quotations form/award screen shot, a copy of quotes obtained & the appropriate approved Officer's Order to any requisition being raised. • Advise all tenderers of the outcome of the process. • Keep all documents and receipts for audit purposes in line with retention policy.
€50,001 - €221,000	<ul style="list-style-type: none"> • Must advertise on eTenders platform. • Open procedure must be used (i.e. single stage process including specification, selection and award criteria) – No Pre-qualification of tenders. NOTE: The open procedure may not be appropriate where confidential or sensitive information is contained in the tender document and therefore the restricted procedure can be used on such occasions <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> • Use existing National, Regional or Local frameworks where possible. • Set selection criteria and award criteria with weightings. • Must adhere to electronic tender opening guidelines. • Evaluate tenders based on the published criteria and document on a scoring/marking sheet. • Acceptance shall be approved by appropriate approved Officer's Order. • Advise all tenderers of the outcome of the process (giving sufficient information to enable tenderer to understand the reasons they were unsuccessful). • Ensure the contract award is completed on the tendering platform & the status set to 'awarded'. • Keep all documents and receipts for auditing purposes in line with retention policy.
Above the EU threshold (EU threshold applicable from 01.01.2024 to 31.12.2026 is €221,000)	<ul style="list-style-type: none"> • Must be published on the OJEU and the eTenders website. • Open or restricted procedures may be used. Negotiated or competitive dialogue procedures to be used only in exceptional circumstances specified in Directive 2014/24/EU. • Must adhere to tender receipt and opening guidelines. • Acceptance shall be approved by appropriate approved Officer's Order. • Advise all tenderers of the outcome of the process ensuring the minimum information is provided – this includes: name of winner, application of standstill period (14 days), scores, reasons for rejection and features / characteristics of the winner. • Ensure the contract award is completed on the tendering platform & the status set to 'awarded'. • Keep all documents and receipts for auditing purposes in line with retention policy.
€10,000,000+	<ul style="list-style-type: none"> • The only additional requirement here is to advise Procurement Officer as Procurement must be listed on Limerick City and County Council website as required by Public Spending Code. • Acceptance shall be approved by appropriate approved Officer's Order. • Advise all tenderers of the outcome of the process ensuring the minimum information is provided – this includes: name of winner, application of standstill period (14 days), scores, reasons for rejection and features / characteristics of the winner.

	<ul style="list-style-type: none"> • Ensure the contract award is completed on the tendering platform & the status set to 'awarded'. • Keep all documents and receipts for auditing purposes in line with retention policy.
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* While in respect of works related consultancy below €50,000 there is no requirement to advertise on eTenders or elsewhere, the principle of transparency and non-discrimination still needs to be satisfied.

Where a local authority does not advertise for projects below €50,000 and has invited five firms to tender but fewer than five firms submit tenders, the local authority may only proceed with the award if it considers that there has been genuine competition and that the tender selected is consistent with the specified award criteria.

11. Thresholds and Procedures for Public Works Contracts

Threshold and Procedures for Public Works Contracts (All ex VAT) Please note: If the project is construction in nature, please ensure that you comply with Health and Safety Policy and Procedure No. 5 for the Management of Construction: <i>Staff Portal Health & Safety Folder -> Policies & Procedures -> 05 Management of Construction Projects</i>	
Estimated Contract Value (exclusive of VAT)	Procurement Procedure
Less than €200,000	<ul style="list-style-type: none"> • Obtain quotations from at least five competitive suppliers. • Use email, eTenders or Supplygov to seek quotations. • Specify the timeline/expiry date of the quotations sought. • It is recommended to set a closing date and time for receipt of quotes. • When requesting a quote via email, ensure to seek an acknowledgement of receipt and follow up promptly via telephone if this is not received. • Acceptance to be approved by the Administrative Officer (AO), Senior Executive Engineer (SEE) or Analogous by signing the procurement quotations form. • The procurement quotations form, copies of the call for quotations & copies of quotation responses received to be attached to the requisition. • Where quotations are sought via eTenders or Supplygov.ie tendering platforms, the electronic award notice screenshot must be attached to the requisition(s) – (in place of the quotations form & copy of quotations). The approval of acceptance of successful tenderer signed by the AO, SEE or analogous is also required to be attached to the requisition(s). • The budget holder must select based on the award criteria specified.

	<ul style="list-style-type: none"> • Advise all tenderers of the outcome of the process. • Keep all documents and receipts for audit purposes in line with retention policy.
€200,001 - €5,538,000	<ul style="list-style-type: none"> • Must advertise on eTenders platform. • Open procedure must be used (i.e. single stage process including specification, selection and award criteria) – No Pre-qualification of tenders. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> • Use existing National, Regional or Local frameworks where possible. • Set selection criteria and award criteria with weightings. • Must adhere to electronic tender opening guidelines. • Evaluate tenders based on the published criteria and document on a scoring/marking sheet. • Acceptance to be approved by appropriate approved Officer's Order. • Advise all tenderers of the outcome of the process (giving sufficient information to enable tenderer to understand the reasons they were unsuccessful). • Ensure the contract award is completed on the tendering platform & the status set to 'awarded'. • Keep all documents and receipts for auditing purposes in line with retention policy.
Above the EU threshold of €5,538,000 (EU Threshold applicable from 01.01.2024 to 31.12.2026)	<ul style="list-style-type: none"> • Must be published on the OJEU and the eTenders website. • Open or restricted procedure may be used. Negotiated or competitive dialogue procedures to be used only in exceptional circumstances specified in Directive 2014/24/EU. • Must adhere to tender receipt and opening guidelines. • Acceptance shall be approved by appropriate approved Officer's Order. • Advise all tenderers of the outcome of the process ensuring the minimum information is provided – this includes: name of winner, application of standstill period (14 days), scores, reasons for rejection and features / characteristics of the winner. • Ensure the contract award is completed on the tendering platform & the status set to 'awarded'. • Keep all documents and receipts for auditing purposes in line with retention policy.
€10,000,000+	<ul style="list-style-type: none"> • The only additional requirement here is to advise Procurement Officer as Procurement must be listed on Limerick City and County Council website as required by Public Spending Code. • Acceptance shall be approved by appropriate approved Officer's Order.

	<ul style="list-style-type: none"> • Advise all tenderers of the outcome of the process ensuring the minimum information is provided – this includes: name of winner, application of standstill period (14 days), scores, reasons for rejection and features / characteristics of the winner. • Ensure the contract award is completed on the tendering platform & the status set to 'awarded'. • Keep all documents and receipts for auditing purposes in line with retention policy.
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** While in respect of works projects below €200,000 there is no requirement to advertise on eTenders or elsewhere, the principle of transparency and non-discrimination still needs to be satisfied. So, consideration can be given to publishing the contract notice for such projects on the eTenders website, bearing in mind that the response might be disproportionate with regard to the value of the project.*

Where a project below €200,000 has not been advertised and fewer than five firms submit tenders, the local authority may only proceed with the award if it considers that there has been genuine competition and that the tender selected is consistent with MEAT.

Use Capital Works Framework available on <https://constructionprocurement.gov.ie/>

A number of multi-party Framework Agreements have been put in place on the Supplygov system and it is recommended that they be used.

12. EU Monetary Thresholds Issued by the OGP

Thresholds (exclusive of VAT) above which advertising of contracts in The Official Journal of the EU is obligatory, applicable from 1 January 2024.

Works		
Contract Notice	€5,538,000	Threshold applies to Government Departments and Offices, Local and Regional Authorities and public bodies.
Goods and Services		
Contract Notice	€143,000	Threshold applies to Government Departments and Offices.
Contract Notice	€221,000	Threshold applies to Local and Regional Authorities and public bodies outside the Utilities sector.
Contract Notice	€750,000	All services concerning social and other specific services listed in Annex XIV to the EU Directive 2014/24/EU.
Utilities		
Works Contracts Prior Indicative Notice	€5,538,000	For entities in Utilities sector covered by GPA.

Goods and Services	€443,000	For entities in Utilities sector covered by GPA.
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*These thresholds are valid from 1 January 2024 to 31 December 2025. Thresholds are revised every two years; next adjustment will be due 1 January 2026.

13. Procurement Procedures

➤ Procurement process

- First step is to determine the need for the goods, services and works.
- Check if there is an existing arrangement in place within the Council or nationally which can be used.
- If a procurement process is to be completed, check with other Council departments to see if a collaborative approach can be taken.
- The Procurement of goods, services and works is subject to the availability of financial resources. That is:
 - For Revenue Jobs, an approved budget must exist.
 - For Capital Jobs, a Department allocation has been received, which has been formally approved by the appropriate Senior Officer and the funding arrangements have been approved by the Head of Finance.
 - If the proposed expenditure doesn't have an approved budget, prior approval must be sought from the appropriate Senior Officer applicable and the Head of Finance.
 - Expenditure and Income Job coding procedures must be completed with the Finance Department – MS7 forms are available on the Staff Portal.
 - It is the cumulative cost/spend per supplier per service/works which must be calculated (not per job/item).
- Procurement values are calculated excl. VAT. Based on the estimated value, select the appropriate competitive process in-line with the spend threshold.

➤ Request for Tender Process

- Develop the tender documentation, e.g. specification, selection & award criteria.
- Advertise on the appropriate tender platform & ensure all communications are conducted electronically, on the tendering platform for fairness and transparency.
- Follow tender opening guidelines and evaluation should be carried out by a competent team and confidentiality and conflict of interest declaration forms to be completed prior to evaluation commencing.
- Price plus quality should be applied when selecting the successful tender, where applicable.
- The appropriate Approved Officer's Order in line with the Approved Delegation Order is required to approve the appointment of the successful tenderer.
- Advise all tenderers of the outcome and adhere to standstill period, where it is applicable.
- Ensure the contract award notice is completed & published on the tendering platform.

➤ **Request a Procurement Reference (ProcRef)**

Obtain a ProcRef by emailing procurement@limerick.ie & ensure the following documents are attached to your email (not sharepoint links);

- Call for Tender (CFT)/Call for Quotation (CFQ) ID & Description (title).
- Copy of the signed contract or completed quotations form.
- Copy of the call for quotations & copies of quotation responses received.
- Full contractual value.
- Contract extension details (if applicable).
- If an OGP draw-down, a copy of the award notice/contract or the Notification to activate goods form (NTAGF).
- Commencement & expiry date of contract/arrangement.
- Provider/Framework details-ranked panel.
- If a framework – call-off details, e.g. rotation, cascading, etc.,
- Copy of signed evaluation report/marking sheet.
- A screenshot of the evaluation & award notice from the tendering platform.
- Copy of signed Authorized Officer's Order/acceptance approval for selected provider(s).

14. **Requisition Requirements**

- A valid requisition **must be raised in advance** of an order being placed for goods, works or services. At a minimum, the requisition should specify quantity, total price & delivery location.
- The requisition must have a specific procurement reference (ProcRef) cited on it.
- The value of the requisition must be known before the goods, works or services are ordered as prior approval of spend is always required. This ensures there is adequate budget available, and the supplier is set up on the Agresso System. Where an exact value of a requisition cannot be determined in advance e.g. delivery of stone/ gravel – a best estimate of the value ordered should be included in the requisition –and under no circumstances should a requisition be submitted with an estimated value lower than the anticipated value of what's ordered.
- A quick reference checklist can be found on the Staff Portal -> Department Libraries -> Procurement Folder ->Forms & Templates -> Internal Forms.

➤ **Memo why a requisition was not raised in advance**

- Where it is not possible to raise a requisition in advance (e.g. emergency call out/ out of hours call out) – a completed memo (pre-defined template) outlining the reason(s) why a requisition was not raised in advance of the goods/services being ordered/received will need to be attached to the requisition.

➤ **Corrective Action and Preventative Action Form (CAPA)**

- For instances where a competitive process needs to be completed as there is no procured supplier in place, a CAPA form should be completed and attached to the RQs being raised.
- This form should clearly set out the reason why it is non-compliant, what corrective action is to be taken and the anticipated completion date.
- There is an escalation process assigned to these forms, all forms have a life span of 3 months from the date it was signed.
- CAPA Level 1 – must be signed by the staff grade identified on the form.
- CAPA Level 2 – must outline the progress made to date & be signed by the staff grades identified on the form.
- CAPA Level 3 – must outline the progress made in the previous 6 months & be signed by the staff grades identified on the form.
- Unsigned forms, incorrect signatures, insufficient details &/or progress made not clearly set out will result in the RQ being rejected and amendments to the CAPA form required.

➤ **Payment & Invoicing**

- Following the appropriate approval of the requisition, a Purchase Order (PO) is automatically raised on Agresso and should be issued to the third party/supplier via email.
- All goods are to be examined on receipt to ensure that they are in order and the requisition should not be GRN'd until the goods are checked for (1) quality (2) quantity and (3) as ordered on the requisition/purchase order.
- Tax Clearance Regulations must be adhered to and Suppliers aggregating over €10,000 per annum must have valid tax clearance. This can be verified on ROS. Access to ROS can be provided by contacting Finance as required.
- Suppliers must quote a valid Purchase Order (PO) number on all Invoices.
- An invoice not having a valid Purchase Order Number will be returned to the Supplier by Accounts Payable.
- All invoices must be emailed by Suppliers directly to accountspayable@limerick.ie only and not copied to individual departments.
- Once Accounts Payable receives the invoice from the supplier, it is checked to ensure a valid PO number is referenced on it and the invoice amount matches the PO prior to processing.
- Payment of invoices is governed by the Prompt Payment of Accounts Act, 1977 as amended by the Statutory Instrument 580 of 2012, which took effect on the 16th of March 2013 and transposes EU Directive 2011/7/EU on Combating Late payment in Commercial Transactions. A government decision was taken to apply a reduced payment period of 15 days to the wider public sector effective from July 11th, 2020. This means that LCCC is committed to paying all valid invoices within 15 days from the date of receipt of Invoice in Accounts Payable. Any payments made after 30 days of date of receipt of Invoice in Accounts Payable, will incur prompt payment interest and compensation.

- **Invoice Mismatch** (where invoice value is greater than value of original approved requisition)
 - In situations where an 'invoice mismatch' may occur, the request to approve the mismatch will be sent to the Approver of the original requisition via Agresso workflow for further approval. The Approver must insert a comment in Agresso before approving, outlining the reason(s) for the invoice-mismatch.
- **Low Value Purchase Card**
 - Low Value Purchase Card should not be used to avoid procurement compliance.
 - As per Policy, Finance reserves the right to cancel without notice any LVP card funded by the Council in cases where policies have not been adhered to or where expenditure recorded is deemed inappropriate.
 - The LVPC Policy can be found on the Staff Portal -> Department Libraries- Finance Folder-> LVP.

15. **National Procurement Portals**

In October 2018 electronic tendering became mandatory, here are the details of the various on-line systems/platforms which are available to local authorities when seeking a Call for Tenders (CFTs) and/or Call for Quotations (CFQs) – using the Quick-Quotes/Simplified facility.

➤ **The Office of Government Procurement (OGP)**

(OGP) conducts tendering competitions to set up National Frameworks which Local Authorities can buy goods and services from whether by mini-tender (in the case of multi-party frameworks) or direct drawdown (in the case of single party frameworks).

➤ **www.etenders.gov.ie**

This is the website for advertising tenders above National and EU Thresholds for goods, services, capital works and related consultancy services.

➤ **Supplygov.ie**

This system has streamlined the procurement process for contracting authorities for plant hire and minor building & civil works.

➤ **The Capital Works Management Framework (CWMF)**

The Capital Works Management Framework is an on-line repository of the templates to be used for public works and construction-related services.

16. **Overview of the Types of Procurement Processes**

There are six procurement procedures which you can choose from when tendering:

- Open
- Restricted
- Competitive Dialogue
- Competitive Procedure with Negotiation

- Innovate Partnership
- Negotiated Procedure without prior publication

Whichever you select you must ensure that the specification is in line with the procurement principles, and this is to prevent the favouring of one supplier.

The most frequently used procedure is the **Open Procedure**. The advantage of this procedure is that it invites an unlimited quantity of tenderers and, therefore, unlimited competition (unlike other procedures there is no maximum number of participants). The disadvantage of using this procedure is the potential administrative burden of having to examine a high number of tender submissions. Therefore, this procedure may not be appropriate for more complex procurements.

The **Restricted Procedure** is mainly used where there is a need to pre-qualify suppliers where there is evidence that the number of potential tenderers could be large or where a contracting authority wants to limit the number of people who will have access to certain sensitive and/or confidential information. The disadvantage of this procedure is that it is two step, 1/ pre-qual, 2/ invitation to tender, so it can take longer time to run.

Prior Information Notice (PIN)

A PIN alerts the market of contracts which may be advertised over the coming 12-month period. The publication of a PIN allows for shortened timescales in the subsequent tendering process.

17. Environmental/Green-Procurement/Social Considerations

The Council encourages the use of award criteria in tenders that will promote sustainable/green procurement by including environmental and social criteria when procuring goods, services and works.

Social considerations, where feasible, will be included to support social policies in relation to employment opportunities, compliance with social and labour rights, social inclusion, equal opportunities, and accessibility.

18. Small Medium Enterprises (SME's)

LCCC is committed to supporting SME's in public procurement by structuring competitive processes in a manner that facilitates increased participation by SME's while ensuring they are carried out in a manner that is legal, transparent and achieves value for money. LCCC will refer, where necessary, to DPER Circular 05/2023: Initiatives to assist SME's in Public Procurement.

19. **Circular 05/23: Initiatives to assist SME's in Public Procurement**

As per Section 2.3. of the circular the Council must:

- Publish a contract award notice for all procurements over €25,000 (exclusive of VAT), whether the procurement competition was conducted outside of eTenders or not.
- Where the competition was managed via email manually create a record of the award notice on eTenders.
- It is best practice to publish Call for Quotations (CFQs) on eTenders and from 1st January 2025 it will be mandatory to publish all CFQs for values in excess of €25,000 on eTenders (via email will no longer be permitted).

This will facilitate measurement of the impact of the change in the national advertising threshold on SME participation in public procurement and both the OGP and LGMA continually review this aspect of procurement. Please find link to policy here: [Circular 05-2023 - Initiatives to assist SMEs in Public Procurement.pdf](#)

19. **Exceptions:**

The purchasing procedures as outlined above may not fully apply in the following circumstances:

- Emergency situations such as flooding, health and safety risks, circumstances which were unforeseen, e.g., the pandemic, storm damage etc.,
- Where an emergency occurs, an assessment should be conducted by the line manager of the possibility of it happening again and measures put in place to have the goods, services, works provider procured.
- Sole suppliers or fixed price products.

Where an emergency occurs written approval from the Procurement Officer must be sourced and attached to the requisition.

20. **Deviation from Public Procurement**

This Policy must be complied with under all circumstances:

- Where any obstacles in compliance are encountered or there is a requirement to deviate from this policy, a discussion must take place with the Procurement Officer.
- A deviation should be a rare occurrence and only on extreme exceptional circumstances and must be in accordance with Article 32 of EU Directive 2014/24.

- If deviating then the approval to deviate form, which can only be released by the Procurement Officer, must be fully completed.
- The form must be signed by all the parties identified within the form.
- Forms not fully completed &/or signed will be returned and not processed.
- The form must be attached to RQs being raised & a copy retained on file for auditing purposes.

21. Procurement Ethics & Related Party disclosures

All staff involved in public procurement must do so in adherence to the ethical framework contained in the Local Government Act 2001 and the Code of Conduct for Employees. All members undertaking the evaluation of submissions must sign a Declaration of Confidentiality and a Conflict-of-Interest form prior to the commencement of the evaluation.

22. Risk Assessment

A risk assessment should be undertaken in procurement where:

- The value of the purchase is high.
- The procurement process is complex.
- Adverse consequences could significantly affect the Councils operation.
- Delivering the Councils core services to the community is significantly affected.

When risk is being considered with respect to procurement, contract authorities should ensure that risk is assessed in relation to each category of goods, services or works with reference, for example to the following factors;

- The nature of the supply market, e.g. does it favour the buyer or the supplier.
- Probability of supply failure.
- Impact on the Council of supply failure.
- Strategic importance to the Council.

23. Conflict of Interest

Any form of personal interest must be disclosed in writing to the line manager. Personal interest includes an interest of a relative or connected person, (a connected person is an individual who directly or indirectly has an interest or link to the tenderer(s)) or to staff of the tenderer(s). The line manager must then decide if the exercise should be dealt with by another member of staff or seek further advice. The Council should consider carrying out conflict checks throughout the procurement process, e.g. at the Selection Stage, when the identities of the tenderers become known and at the tender Evaluation Stage. All members of evaluation boards must sign a conflict-of-interest declaration (available on staff portal).

24. **Freedom of Information**

Information may be requested on records relating to a tendering procedure under the Freedom of Information Act 2014. Some records may be exempt under the provisions of the Act on grounds of commercial sensitivity or confidentiality. All such requests should be directed to the FOI Officer.

25. **General Data Protection Regulation (GDPR)**

GDPR emphasises transparency, security and accountability by data controllers and processors while also standardising and strengthening the right to data privacy.

26. **Public Sector Equality and Human Rights Duty**

LCCC has a legal obligation to promote equality, prevent discrimination and protect the human rights of their employees, customers, service users and everyone affected by their policies and plans. LCCC will:

- **Assess:** Incorporate an assessment of the relevant human rights and equality issues (there are two UN conventions relevant here: 1) rights of the child and 2) rights of persons with disabilities, and there are the nine grounds in equality legislation)
- **Address:** Put in place a plan on how these issues will be addressed; and
- **Report:** Report on progress in its annual report

27. **Insurance Requirement when Tendering (DPER Circular 05/23)**

LCCC should only require such types and levels of insurance which are proportionate and reasonable in the context of the particular contract. Factors which may be considered by the Council for the provision of goods and general services should include: the risks involved, the value of the contract and the subject matter of the contract. The required insurance coverage will vary from contract to contract as will the style of insurance cover available to suppliers, particularly in relation to professional indemnity and cyber risks. Any requirement for insurance cover should be signalled in the tender documentation.

Tenderers should be asked to declare that they can obtain such cover but should not generally be required to have it in place at the time of tendering. Documentary evidence of the required insurance will only be required when a candidate has been identified as a successful tenderer in a procurement competition.

In carrying out competitions for the acquisition of routine low-to-medium-risk goods and services LCCC should use the guide below to assessing insurance level requirements. For bespoke and or complex competitions or if the Council has concerns with regard to any

aspect relating to subject matter of the procurement then the line manager should contact Irish Public Bodies Insurance for assistance in setting appropriate insurance levels.

Guide to Setting Insurance level requirements.

The matrix below can be used as a general guide to setting insurance level requirements for routine low-to- medium-risk goods and services.

Type of Insurance	Indemnity Limit
Employer's Liability	€12.7m any one claim or series of claims arising out of a single occurrence (if self-employed this is not necessary).
Public Liability	€6.5m any one claim or series of claims arising out of a single occurrence.
Environmental Indemnity	€2m
Professional Indemnity	Contract Value (min. €50,000) Risk assess based on potential damage and/or loss (refer to SCA guidance).
Product Liability	Contract Value (min. €50,000) Risk assess based on potential damage and/or loss (refer to SCA guidance).
Cyber Insurance	Risk assess based on potential damage and/or loss (refer to SCA guidance).

Guidance for works and works related services are available on [https://constructionprocurement.gov.ie/under Pillar 4/Guidance Notes on Minimum Standards for Pre-qualification for Works Contractors and Construction Service Providers](https://constructionprocurement.gov.ie/under%20Pillar%204/Guidance%20Notes%20on%20Minimum%20Standards%20for%20Pre-qualification%20for%20Works%20Contractors%20and%20Construction%20Service%20Providers).

28. Electronic Tender Opening Protocol

The electronic tender box on the relevant tendering platform, i.e. eTenders, Supplygov. , is where tender responses are submitted and this electronic box is opened online. It is best practice to identify at least three people, as a minimum of two will be required to open the electronic tender box.

The tender opening details should be recorded on the 'Confirmation of Tender Opening Form' by the opening committee and the signed form sent to liz.creamer@limerick.ie. (Staff Portal- procurement folder- forms & templates- internal forms- tender opening-LCCC tender opening form)

The names and addresses, only, of all persons or firms from whom tenders were received must be circulated, via email by the relevant section/department responsible for the tender,

to all the elected members within three working days of the date the electronic tender box was opened.

Also, the 'Form to be submitted prior to works contract award' must be emailed to ewp@limerick.ie as there is a Workplace Partnership agreement with the Trade Unions that they will receive a copy of this form from the Partnership Facilitator (Staff Portal- procurement folder- forms & templates- internal forms- tender opening-partnership facilitator form)

Exceptions:

Requests for quotations via email and Quick-Quotes facilitated on eTenders / Supplygov.ie under the €50,000 threshold for goods/services & works related consultancy services and under the €200,000 threshold for public works are exempt from the opening and notification protocols above.