



An tSeirbhís Chúirteanna
Courts Service

Procurement User Guide

April 2016

Index

Objectives	3
Introduction.....	3
Principles of Procurement.....	3
Office of Government Procurement.....	4
Business Case and Budget	4
Current Contract / Framework	5
Tender Folder and Document Checklist	5
Procurement Thresholds	5
Estimating Contract Values	6
Procurement Procedures	7
E-tenders / OJEU	8
Timescales.....	8
Request for Tender (RFT).....	9
Opening of Tenders.....	9
Qualification and Award Criteria.....	10
Evaluation Committee	11
Approval and Award of Contract.....	12
Award Notice	13
Contract negotiation and signing	13
Tenderers compliance with mandatory requirements	13
Tax Clearance Certification	13
Managing Contracts	14
Sole Suppliers	14
Code of Ethics.....	15
The Courts Service Contracts Register	16
Procurement Portal.....	16
Useful sites.....	17
Procurement Contacts:	17
Appendices.....	18

Objectives

The objectives of this User Guide are to:

- Provide an overview of the Procurement process
- Identify the different methods of Procurement
- Deliver best value for money
- Establish an excellent procurement culture within the Courts Service

This User Guide should be read in line with the ***Public Procurement Guidelines Competitive Process*** which can be found on the **Procurement Portal** on the Courts Links website.

Introduction

The Courts Service is obliged to comply with the principle of competitive tendering in respect of its expenditure for works, supplies and service contracts. The applicable law and guidance is set out in the Public Sector Procurement Regulations published in 2006 under S.I. 329 of 2006, which implemented the European Directive (2004/18/EC) as well as the Circulars and Guidelines issued from time to time by Government.

The Irish Government has established a common procurement portal www.etenders.gov.ie for use by all public bodies or bodies in receipt of state funding. It is a one-stop-shop for public bodies to publish requests for tender and for the market to identify opportunities. The site must be used to issue national or European Notices with a value over €0.025m. The Courts Service is registered as a buyer on www.etenders.gov.ie and it is Courts Service policy to utilise this portal to the fullest extent possible.

Details of procurement roles and responsibilities of Courts Service staff are set out at **Appendix B** below.

Principles of Procurement

It is imperative that Courts Service procurement is discharged honestly, fairly and in a manner which secures best value for money.

A competitive process should be carried out in an open, objective and transparent manner which can achieve best value for money. This is in line with EU Treaty principles and EU Directives on public procurement. Essential elements to be observed in conducting the procurement functions include; non-discrimination, equal treatment, transparency, mutual recognition, proportionality, freedom to provide service and freedom of establishment. The

Directives impose legal obligations on public bodies when advertising and the use of objective tendering procedures for contracts above certain value thresholds, i.e.

- Supplies and Services
 - Advertise on e-tenders for procurements with a value over €25,000
 - Advertise world-wide (OJEU) for procurements with a value over €135,000

Office of Government Procurement

The Office of Government Procurement (OGP) was established in 2013 following a Government decision to reduce costs and achieve better value for money through the reform of public procurement. These efficiencies and savings will transform the existing fragmented procurement model to a new centre-led structure underpinned by common governance policies, processes and systems and by driving a programme of collaborative savings projects across the State sector.

The OGP commenced operations during the first half of 2014 and it is the intention that the OGP will take responsibility for sourcing all goods and services on behalf of the Courts Service. In addition, the OGP will also take full responsibility for procurement policy and procedures. In this regard the OGP are currently finalising a Government-wide Procurement Policy.

The OGP has appointed a Key Account Manager to the Courts Service. This person is our primary point of contact and will manage the relationship between both entities. The Finance Unit will liaise with the Key Account Manager to address any queries which arise regarding public procurement processes, in addition to providing updates regarding OGP frameworks available for use by the Courts Service.

Business Case and Budget

Prior to the initiation of a procurement the business need must be established and the necessary approvals to proceed given. The Business case must be approved at the appropriate level depending on the estimated value of the contract, and retained on file. Please refer to “Initiator” thresholds at **Appendix A** below.

It is essential that there is a budgetary provision for the proposed expenditure before any procurement is commenced. This is the responsibility of the relevant Budget Holder.

See **Appendix C** for Business Case templates.

Current Contract / Framework

A Directorate wishing to procure supplies/services should check the list of current / future contracts / frameworks before commencing their own procurement exercise. These lists can be found on the Courts Service Procurement Portal which is on the Courts Links web-page at <http://web/ProcLib.nsf>

The Courts Service is entitled to avail of contracts or framework agreements centrally awarded by other Government Departments or the OGP / OGCI0, thus avoiding the need for the Courts Service to tender separately. It is important to remember that procurement rules still apply when carrying out a mini-tender under any framework.

Tender Folder and Document Checklist

Before a procurement process is commenced a Tender folder should be opened and a Procurement Management Document Checklist should be printed out and placed on the front of the Tender folder. This checklist will help to ensure that all required documentation has issued. See **Appendix D** for a template Procurement Management Document Checklist.

Procurement Thresholds

The following are the thresholds to be applied when procuring Supplies or Services:

1. For Supplies or Services with a value less than **€500** it is acceptable for the Head of Office to make a purchase based on a written quotation from a *single* supplier.
2. For Supplies or Services with a value between **€500 and €5,000** you are required to seek *3 written quotations* from suitable suppliers. Contracts can be awarded on the basis of the lowest price. Copies of all quotes should be retained for record purposes.
3. For Supplies or Services with a value between **€5,000 and €25,000** you are required to seek *3 written quotations* from competent companies. However if you are not familiar with any potential supplier you should advertise on etenders. Offers should be evaluated against specific criteria.
4. For Supplies or Services with a value between **€25,000 and €135,000**, you are required to advertise on etenders at www.etenders.gov.ie using the Open procedure.
5. For Supplies or Services with a value **over €135,000** you are required to advertise on etenders. The invitation to tender will also be automatically advertised and published in the Official Journal of the EU (OJEU) through etenders.

Note: In accordance with Circular 02/2009 all ICT procurement opportunities with a value of €10,000 or greater must be advertised on the Government e-Tenders website at www.etenders.gov.ie.

The above thresholds are set out at **Appendix E** below.

Please see **Appendix A** for Procurement Authority Level Thresholds, i.e. for opening, approving tenders, etc.

Estimating Contract Values

When determining contract value you should work on the basis of 10-15% less than the threshold to ensure appropriate coverage. Additionally for all procurements the following should be noted when considering estimated contract values:

- (a) Take the **total value over the period** of the contract, i.e. a 3 year contract is the annual value x 3 including any optional extensions.
- (b) **Do not split contracts** or purchases to avoid the rules and similar purchases should be aggregated to consider total value over a given period.
- (c) Exclude VAT.

Example: The proposed contract duration is 3 years with the option to extend for 2 periods of 12 months. The value of the contract is €20,000 per year, inclusive of VAT.

The estimated contract value is $€20,000 \times 5 = €100,000$, (3 years plus 2 additional periods of 12 months). As the value currently includes VAT at 23% we must now deduct it - $€100,000 \times 0.23 = €23,000$.

The estimated value of the contract is **€77,000**.

Conclusion: As the procurement value is above €25,000 but below €35,000 the RFT must be published on the e-Tenders web-site and will be available to Irish suppliers.

Note: VAT rates can vary over time and according to the type of service being procured.

If the initial contract did not cater for extensions or roll-over, the contract cannot be extended beyond the terms of the original contract.

Priority and Non Priority Services

Under the procurement directive, services are divided into two categories, described as ‘priority’ and ‘non priority’ services. These are set out in Appendix IIA and IIB of the Public Procurement Guideline Competitive Process.

The ‘priority’ services are subject to the full provisions of the directive while the ‘non priority’ Annex IIB are not and advertising on the OJEU is not obligatory. However it is national policy to advertise such contracts of significant value as part of the competitive process. The majority of goods and services procured by the Courts Service fall into ‘priority’ services listed at Annex IIA. Examples of items included in Priority and Non-Priority Services are listed below;

Priority Services	Non-Priority Services
<ul style="list-style-type: none">• Maintenance and Repair Services• Telecommunication Services• Financial Services (a) Insurance Services and (b) Banking and Investment Services• Computer and related services• Accounting, auditing and book-keeping services	<ul style="list-style-type: none">• Legal Services• Personnel placement and supply services (but not employment contracts)• Education and vocational education services• Hotel and restaurant services• Other services

Common Procurement Vocabulary (CPV)

CPV is a code for describing works, supplies and services to be advertised in the OJEU. CPV’s are required to be selected for all requests for tenders published on e-Tenders.

Procurement Procedures

There are a number of different procurement procedures available under the rules however the Courts Service generally adopts the two most common procurement procedures available, i.e. open and restricted procedure. In all cases full written records should be maintained for management and audit purposes.

(d) The **Open Procedure, a single stage procedure**, whereby the Request for Tender (hereafter called the “RFT”) is advertised on eTenders.

(e) The **Restricted Procedure, a two stage procedure**, which requires suppliers to initially provide details of financial and technical capacity. Based on the evaluation of their responses (i.e. their expressions of interest), a tender list of at least 5 suppliers is issued with the tender documents.

For further information on the Open and Restricted procedures see **Section 6.13** in the *Public Procurement Guidelines – Competitive Process*.

E-tenders / OJEU

All tenders with an estimated value above €25,000 must be processed through e-tenders www.eTenders.gov.ie. Furthermore RFT templates, available on the OGP website (www.procurement.ie), should be used for all such. See **Appendix F** for steps in the competitive process for contracts with a value below the EU threshold of €135,000. For contracts above the EU threshold of €135,000 the notice will automatically be sent from the eTenders site to the European Journal (OJEU) and published there in approximately 3 – 5 days. Please ensure you select the OJEU based procedure when creating your RFT on the eTenders website. See **Appendix G** for steps in the competitive process for contracts with a value above the EU threshold.

If you require to be set up on e-tenders please contact **the Finance Unit** at financeunit@courts.ie. For a guide to using e-tenders go to www.eTenders.gov.ie/system-user-guides

Timescales

Minimum time limits are set down for the different stages of the particular contract award procedure chosen. In all cases the times specified in days relate to calendar days (i.e. include weekends). When fixing the timescale for submitting expressions of interest / requests to participate or tenders, contracting authorities should take account of the complexity of the contract, expiry date of any current contract, urgency of service / supply required, and allow sufficient time for submitting the necessary information and preparing tenders.

The following time scales apply to procurement processes:

Procedure	Receipt of Expressions of Interest	Receipt of tenders
National (Recommended)		
Open – National	N/A	14 - 21 days
Restricted – National	14 - 21 days	21 – 28 days
European (Mandatory)		
Open – using eTenders for notices and tender docs	N/A	40 days
Open – with PIN Notice published 52 days before the Call for Competition and using eTenders for notices and tender docs	N/A	10 – 24 days
Restricted – using eTenders for notice and tender docs	30 days	40 days (Note: 35 days if issuing tender docs through eTenders)
Restricted – with PIN notice and using eTenders for notice	30 days	17 – 31 days
Competitive Dialogue – using eTenders for notice	30 days	At least 10 days recommended

Please note that the above table sets out time scales for the most commonly used procurement types in the Courts Service. Please refer to the *Public Procurement Guidelines – Competitive Process* for a full list of time scales

Where genuine urgency renders these time limits impracticable, shorter time-limits may be applied as follows:

- for receipt of expressions of interest, not less than 15 days from the date of dispatching the notice and
- for receipt of tenders, not less than 10 days from the date of issue of invitation to tender.

Request for Tender (RFT)

For supplies or services with an estimated value over €25,000 the Request for Tender (RFT) templates should be used. These templates can be found on the etenders website at www.etenders.gov.ie/template-documents

Opening of Tenders

For procurements with a value above €25,000 where tenders are submitted in hard copy, the tenders must be:

1. Registered, held unopened, and locked in a safe place until formal opening.
2. Formal opening of tenders can only take place after the closing date and time.
3. Opening of tenders must take place in the presence of at least two officials of the Courts Service. Officials must be of at least HEO grade
4. Formally opened together in the presence of one witness (who may be an official of the Courts Service who is not associated with the particular tender) and authenticated by the date and the initials of those present.
5. Any tender received after the allotted time must be excluded from the procurement process and should not be opened.

For an RFT issued via eTenders the opening of tenders can be completed on-line

Please refer to **Appendix A** for thresholds for tender opening.

Qualification and Award Criteria

Qualification criteria is used in pre-qualifying or pre-selection of candidates who are invited to submit tenders. The criteria typically relates to candidates economic and financial standing and technical and professional ability. In essence, the qualification criteria refers to the past and therefore affords tenders the opportunity to demonstrate that they meet the minimum requirements for the goods and services sought. It should be noted that proposals (tender bids) in relation to the RFT are not considered at this stage. Tender responses are assessed against the qualification criteria on a pass OR fail basis.

All requests for tenders irrespective of contract value must outline a set of qualification and award criteria which will be used to evaluate tenders received. For a tender with a value below €25,000 it will be sufficient to include in your request for a quote that the tender will be evaluated based on price, or based on price and “the following criteria...” (e.g. reference, content of proposal, etc).

The procurement rules provide two alternative evaluation processes, namely:

- Lowest Tender Price (generally for contracts with a value below €5,000), or
- Most Economically Advantageous Tender (MEAT) in terms of specified criteria including qualitative criteria as well as a cost criterion.

Examples of Qualitative criteria under MEAT include;

• Methodology proposed	• Quality and level of resources offered
• Project Plan/Quality (Fit for purpose)	• Aesthetic and functional characteristics
• After sales services	• Technical merit/ Technical assistance
• Availability of spare parts	• Reliability and continuity of supply

In relation to cost it is recommended that only one cost criterion is used, however this can be made up of a basket of costs such as capital costs, running costs, consumables, etc. (E.g. cleaning contract may include costs for cleaning services in addition to costs for cleaning consumables).

New criteria or criteria not previously communicated in the RFT **cannot** be introduced after the tender closing date. It is possible to change the award criteria, but only **before** the tender closing date and provided sufficient notice is given to tenderers of the new criteria.

The weightings of the various criteria **must** be indicated in the notice or RFT (e.g. cost 40%; quality and level of resources offered 30%; methodology of approach 30%).

Evaluation Committee

- A tender evaluation committee should be established for each tender with an estimated value above €25,000.
- Evaluation Committee must be established prior to the publication of the RFT.
- In respect of all tenders with an estimated value in excess of €25,000 the tender evaluation committee should have at least three members
- The evaluation committee should not include the person who will be approving the evaluation team's recommendation.
- When tenders have been received they should be evaluated on the basis of the specification issued, the qualification and award criteria and weightings indicated.
- For EU contracts at least one member of the evaluation team should be independent of the Courts Service.
- It is a requirement to include the award criteria weightings in the tender documents. Tenders must be evaluated against the stated criteria.
- It is advisable and a part of the RFT that a minimum score be set prior to evaluation which tenderers must meet, (e.g. Tenderers must reach a minimum score of 120 marks over each criterion).

- A suggested scoring template is set out at below.

Scoring Template Table:

➤ 0 = nil response	➤ 0 marks (0%)
➤ 1 = poor response	➤ 40 marks (20%)
➤ 2 = adequate response	➤ 80 marks (40%)
➤ 3 = good response	➤ 120 marks (60%)
➤ 4 = very good response	➤ 160 marks (80%)
➤ 5 = excellent response	➤ 200 marks (100%)

An Evaluation Report must be signed by all members of the Evaluation Committee and this report should be forwarded for approval to the appropriate manager, Head of Directorate, Chief Executive Officer or Committee, as appropriate. See **Appendix A** for threshold limits for all aspects of procurement.

Approval and Award of Contract

To support final approval of the contract the Evaluation Committee should provide the approver with a signed tender evaluation report. See **Appendix A** for thresholds for approval of contracts.

Once the necessary approvals are in place and a decision has been made to award a contract, letters should issue to the successful and all unsuccessful tenderers. The letter to unsuccessful tenderers should inform them of the successful tenderers name and their score set out against the award criteria with information on the features and characteristics of the winning tender and reasons why the winner scored higher. For EU tenders a 14 day standstill period must also be applied (i.e. contract can't be signed until after the standstill period expires).

A contract should be signed between the preferred tenderer and the Courts Service which will protect the interests of both parties. The RFT provided by the OGP contains a Service Contract template, the terms and conditions of which are required to be accepted as part of the initial tender response. Clarifications in relation to same should be sought as part of the clarification phase of the procurement process.

Award Notice

In the case of national notices Circular 10 / 14 requires that all contracts with a value less than the EU threshold are subject to an award notice on eTenders.

Information on the award of a contract above the EU thresholds must be notified to the EU Commission not more than 48 calendar days after the formal award of the contract in question by issuing a contract award notice. EU Award Notices require the price of the winning tender, or the range of prices considered to be included. The Award Notice can be published on-line on the etenders website.

Contract negotiation and signing

As a public body, the Courts Service may ***not*** negotiate contracts in terms of price. It is strictly forbidden to enter into price negotiation when contracts are awarded under the open or restricted procedure. See **Appendix A** for authorisation levels for signing a contract. As referred to above the RFT provided by the OGP contains a Service Contract, the terms and conditions of which are required to be accepted as part of the initial tender response. Clarifications in relation to same should be sought as part of the clarification phase on the procurement process.

Tenderers compliance with mandatory requirements

It is a requirement that all third party staff involved in the delivery of contracts to the Courts Service with access to Courts Service facilities (i.e. ICT System, offices, etc) are compliant with a number of mandatory requirements, as follows:

- Supplier must have **security clearance** from An Garda Siochana.
- Supplier must provide evidence of their **Health & Safety Statement**
- Courts Service must provide the supplier with the **Courts Service Health & Safety Policy**
- Supplier must sign the Courts Service's Acceptable Computer Usage Policy
- Supplier must show evidence of **public liability insurance** (per the RFT)

Tax Clearance Certification

The Courts Service requires all firms awarded contracts valued in excess of €5,000 per annum to produce and maintain a current and valid Tax Clearance Certificate. This is a standard provision in the OGP RFT template. Tenderers should be advised of this

requirement and directed to the www.revenue.ie website. A valid TCC is a condition of the contract for its full duration.

Managing Contracts

Once a contract has been signed or letter of appointment or purchase order has been issued, it is incumbent on the Budget Holder to ensure that the supplies, works or services are delivered in accordance with the terms of the tender and the prices quoted. If companies fail to meet these requirements they should be contacted immediately and a managed process of improvement put in place. A full written record of all correspondence with/from the supplier should be maintained. While the procurement process ensures such documentation for the contracting authority the effective contract management of the contract is also essential to ensure value for money is sustained and delivered.

Appendix H sets out the Roles and Responsibilities in relation to contract management.

Appendix I sets out the thresholds for approval of invoices and purchase orders. In addition please see “*Guidelines for Payment of Invoices*” on the Courts Information site for guidelines in relation to the payment of invoices.

Urgent Situations

The Procurement Directives make provisions for negotiating a contract (without advertising) and for accelerating an advertised procedure in urgent and exceptional circumstances.

However, “urgency” and “exceptional circumstances” are very narrowly interpreted by the European Court and the EU Commission. The instances where resorting to these provisions is justified will be very rare and maximum care must be taken before availing of them. The exceptional circumstances must be unforeseeable and must not arise due to any action or inaction on the part of the contracting authority. The use of this derogation is subject to approval by the Procurement Officer, the relevant Head of Directorate and Internal Audit.

Sole Suppliers

Where it has been determined that there is only one supplier capable of providing a product or service the Courts Service must justify not holding an advertised competition and the requester must be satisfied that only one supplier in the entire market could deliver the contract. This justification must be approved by Internal Audit and the relevant budget holder, with the requester providing information on the market testing carried out to

determine if other suppliers exist. A full written record of such an occurrence should be retained by all parties.

Code of Ethics

All Courts Service personnel are subject to the Civil Service Code of Standards and Behaviour (March 2005). In addition, the Courts Service has published the “*Gifts and Hospitality Notice*” in relation to the acceptance of gifts and hospitality which supplement the Code and which are available on the Courts Information Site. All personnel are required to operate in an ethical way during procurement activity and in the award of contracts. To this end staff must:

- Act in an ethical and honest manner
- Not accept gifts of any significant value
- Not accept hospitality deemed to be excessive
- Declare any conflict of interest in a tender process

In accordance with the Courts Service’s Gifts and Hospitality policy, under no circumstances should any person involved in the issuing, evaluation, approval of contract award or managing contract accept gifts or hospitality from perspective or existing suppliers. Breach of this policy will result in disciplinary proceedings and sanctions up to an including dismissal.

Officials who are involved in the awarding or management of contracts are the holders of designated posts under the Ethics in Public Office legislation. These officials are required to make an annual declaration of interest. This declaration is issued each January by the Human Resource Unit.

New EU Directives

The European Parliament and the Council have adopted three new procurement Directives in spring of 2015:

- Directive 2014/23 EU Award of Concession Contracts (new directive)
- Directive 2014/24 EU Procurement Directive (replacing Directive 2004/18/EC)
- Directive 2014/25 EU Procurement by entities operating in the water, energy, transport and postal services sectors (Utilities Directive) (replacing Directive 2004/17/EC)

Please note that the new Directives provide for no major changes in the Remedies Directives.

Ireland will implement/ transpose the new Directives into national legislation by Statutory Instrument by 17 April 2016.

The OGP will issue guidelines in relation to the new Directives in the coming months.

The Courts Service Contracts Register

The Courts Service maintains a current Contracts Register which provides details of:

- Current contracts with a value above €25,000
- Approved Sole Suppliers (Proprietary Services)
- Frameworks which the Courts Service can avail of

It is essential that all staff are aware of the requirement to notify the Finance Unit of all contracts entered into with a value over €25,000, in addition to sending a copy (hard or soft) of the signed contract to the Finance Unit for their files. (E-mail address for the Finance Unit is financeunit@courts.ie)

See **Appendix J** for table to be completed for updating on the Courts Service Contracts Register when a new contract is commenced.

From a management and reporting perspective it is very important that the Contracts Register is kept fully up-to-date.

The Finance Unit is reliant on the information provided by directorates for maintaining an accurate and up-to-date Contracts Register.

Procurement Portal

The Procurement Portal is available on the Courts Links site. The Procurement Portal contains all relevant procurement information, including:

- Contracts Register
- Procurement Plan
- National and EU Procurement Guidelines and Circulars
- OGP updates

Useful sites

The following are links to web-sites which contain useful procurement information and guidelines

- A link to the e-tenders website: www.etenders.gov.ie
- A link to the OGP website: www.procurement.ie
- A link to the Competitive Process guidelines which provide a detailed guide to procurement:
http://etenders.gov.ie/Media/Default/Page/Public_Procurement_Guidelines_-_Competitive_Process_2010.pdf
(These guidelines are also available on the Procurement Portal.)
- A link to the Procurement Portal: <http://web/ProcLib.nsf>

Procurement Contacts:

Contact person	Phone Number	E-mail address
John Cleere (Procurement Officer)	01-8886054	jcleere@courts.ie
Jeannette Troy	01-8886045	jtroy@courts.ie
Helen Thornton	01-8886074	hthornton@courts.ie

Location – 4th floor, Phoenix House, Smithfield, Dublin 7

Appendices

Procurement Authority Levels.....	19
Roles and responsibilities of staff / offices involved in tendering and / or evaluating tender bids and / or approving contract awards	20
Business Case For Tenders Up To €5,000.....	23
Business Case For Tenders Between €5,000 AND €25,000	24
Business Case For Tenders Above €25,000	25
Procurement – Document Management checklist	26
Procurement Thresholds - Supplies & Services.....	27
Steps in conducting a competitive process for contracts below EU threshold of €135,000	28
Steps in conducting a competitive process for contracts above EU threshold of €135,000	29
Contract Management - Roles and responsibilities of staff involved in contract management	30
Approval Limits of Purchase Orders / Invoices.....	32
New Contracts for updating on Courts Service Contracts Register.....	33

Appendix A

Procurement Authority Levels

Procurement Authority Levels							
Authority Levels							
Tendering Process	Courts Service Board	Finance Committee	CEO / Nominee	Head of Directorate	Principal Officer	Assistant Principal Officer	Higher Executive Officer
Initiator			€1.0m +	< €1.0m	< €0.150m	< €0.080m	< €0.025m
Opening ¹				€0.500m +	< €0.500m	< €0.200m	< €0.100m
Approval – General ²	€5.0m +	< €5.0m	< €1.0m	< €0.500m	< €0.150m	< €0.080m	< €0.025m
Approval - Consultancy	€0.500m +	< €0.500m	< €0.100m				
Signing			€0.500m +	< €0.500m	< €0.150m	< €0.080m	< €0.025m
¹ A minimum of two officials must be present when opening tender response. Officials should be at least of HEO grade.							
² For approval of contracts the approver cannot be involved in the tender evaluation process							
The thresholds stated above represent the approval value “Up To” that level, unless otherwise stated.							

Appendix B

Roles and responsibilities of staff / offices involved in tendering and / or evaluating tender bids and / or approving contract awards

Procurement Officer (Principal Officer, Resource Management Directorate)

- Define, develop and maintain procurement policy and guidelines
- Compile Annual Procurement Plan
- Support operational area in the procurement process
- Maintain and update contract register
- Maintain and update consultancy register
- Monitoring compliance with procurement rules and procedures, including compliance with Circular 40/02
- Maintain the Courts Service Procurement portal
- Organise and provide procurement training on a routine basis
- Provide vendor analysis on a quarterly basis for Heads of Directorates and other Budget Holders
- Promote awareness of procurement to ensure compliance with policy and procedures
- Publish details of contract awarded on Courts Service Website
- Reporting on procurement to the Senior Management Team and Audit Committee

Local Procurement Officers:

Head of Directorate, Regional Managers and others staff responsible for tendering for goods/services.

- Activating the Procurement Plan for your Directorate/Region/Office
- Ensuring appropriate procurement planning to avoid unnecessary rolling over of contracts or engaging suppliers outside of their contractual terms
- Ensuring that *except in exceptional circumstances* all goods/services procured by your Directorate/Region/Office are tendered for and procured in accordance with the Courts Service's procurement policy and procedures.

- Ensuring that where, for **exceptional reasons only**, goods and services with a value of €25,000 or more which have not be subject to a competitive process are submitted for derogation ***in advance*** to the Head of Internal Audit as required by Circular 40/02 and notified to the Procurement Officer.

Authorising Officers

Head of Directorate, Regional Managers and other senior staff authorised to approve business cases, tender documents, tender evaluations and contract awards.

- Responsible for approving/recommending for approval business cases, tender documents, tender evaluations and contract awards in accordance with Courts Service procurement and governance procedures and in particular ensuring that:
 - They have delegated authority to approve or recommend for approval business case, tender document, tender evaluation or contract award.
 - Business case justifies the need to tender for goods/services required and no other more cost efficient alternatives are available and there is funding available for goods/services concerned.
 - Tender documents are prepared in accordance with the eTenders, OGP RFT template and Courts Service guidelines, and contain all relevant information, tender award criteria and conditions of tender.
 - Tender evaluation is done in accordance with Courts Service guidelines, with a formal evaluation report being signed by all members of the evaluation team. This should be submitted for approval with recommendation made based on tender award criteria as set out in the RFT.
 - Successful tenderer notified and in the case of EU tenders a 14 day standstill period is provided before contract formally awarded to allow unsuccessful tenderers an opportunity to challenge the tender award.
 - Contract/agreement signed in line with the terms of tender and conditions of the RFT.
 - In exceptional circumstances where no tender was issued for goods/services that the proposed procurement be submitted to the Procurement Officer (for goods/services with estimated value between €5,000 and €25,000) and Internal Audit (goods/services with an estimated value of €25,000 or above) for review.

Budget Holders

Head of Directorate, Regional Managers and others staff responsible for managing budgets.

- It is essential that there is a budgetary provision for any proposed expenditure before procurement is commenced. This is the responsibility of the relevant Budget Holder.
- Reviewing and monitoring all expenditure for headings of goods and service where you are assigned budget holders in order to ensure that it is valid, authorised, and complies with all procurement regulations and requirements and is correctly charged and coded.

Internal Audit

Internal Audit may carry out audits across the range of procurement activities in order to provide assurance to the Senior Management Team, CEO and Audit Committee that procurement policy and procedures are being complied with and that contracts are being actively managed are delivered in terms of quality of service provided, value for money and that all expenditure incurred is valid, correctly approved and authorized for payment.

Head of Internal audit is the designated reviewing officer under Circular 40/02 for reviewing any proposal to procure goods/services with an estimated value in excess of €25,000 without recourse to competitive tender.

For guidelines in relation to the payment of invoices please see “Guidelines for Payment of Invoices” on the Courts Information site

Appendix C

Business Case For Tenders Up To €5,000

Part A – Business case for tenders up to €5,000

Type of Goods / Services Required: _____
Reason why Goods / Services Required: _____
Duration of Contract (once-off / months / years): _____
Estimated Cost (including any possible extensions): _____
Confirm that sufficient budget is available to meet expenditure: Yes / No
Proposed Procurement Method: Minimum of 3 Written Quotes Yes / No
Quick Quote via e-Tenders Yes / No
Proposed by: _____ Approved by: _____
Grade: _____ Grade (to be at least HEO grade): _____

Part B – Record of suppliers contacted

Supplier Name	Date Contacted	Price Quoted	Written confirmation of price on file
		€	
		€	
		€	
Cheapest quotation received from			

Part C – Evaluation award proposal / Approval of contract

It is recommended that the contract be awarded to _____
Recommended by : _____ Grade: _____
Approved by: _____ Grade: _____ (To be at least HEO)

Business Case For Tenders Above €25,000

Type of Goods / Services Required: _____

Reason why Goods / Services Required:

(Provide details of reason goods / services are required)

Impacts if Goods / Services not procured:

(Provide details of impact if goods/services are not procured)

Contract Management:

(Provide details of proposed contract management procedures and any resources, if any, required to manage contract)

Duration of Contract (once-off / months / years): _____

Estimated Cost (including any possible extensions): _____

Confirm that sufficient budget is available to meet expenditure: Yes / No

Procurement Method (e.g. Open National / EU Tender, Restricted National / EU Tender, Competitive Dialogue, etc): _____

Proposed commencement date (e.g. month and year): _____

Any other relevant information: _____

Proposed by: _____ Approved by: _____

Grade: _____ Grade (to be at least AP grade): _____

Note: This record must be retained for record and audit purposes

Appendix D

Procurement – Document Management checklist

<u>Document Type</u>	Tick as appropriate ✓	
	Yes	No
Original Business Case	Yes	No
Request for Tender	Yes	No
Clarification questions	Yes	No
Signed template for opening of tender	Yes	No
Submitted Tenders (if in hard copy)	Yes	No
Evaluation Report	Yes	No
Notification to unsuccessful tenderers	Yes	No
Award Notice	Yes	No
Signed contract	Yes	No
Approved proposal to extend contract	Yes	No
<i>(Include any further relevant document that may apply to your procurement)</i>		

Appendix E

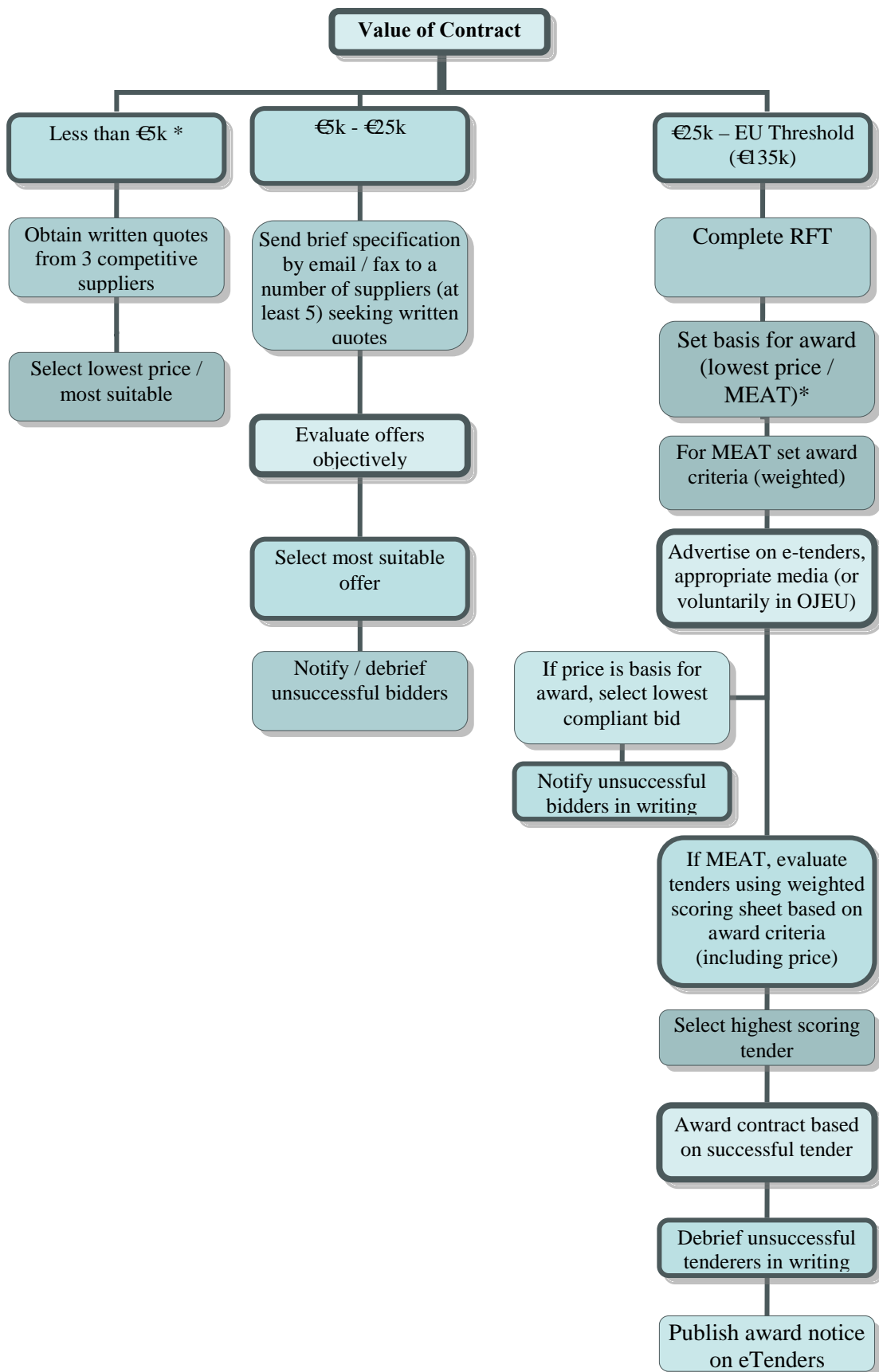
Procurement Thresholds - Supplies & Services

Thresholds	Process
Less than €500	Receive one written quotation from a known suitable supplier – this may be requested from the supplier by phone or email.
Between €500 and €5,000	Invite 3 written quotations from competitive suppliers – these may be requested by phone or email. Contract can be awarded on the basis of the lowest price or quality /cost basis. Copies of all quotes should be kept for record purposes. Unsuccessful firms should be notified that they have not been successful.
Between €5,000 and €25,000	Issue brief specification by e-mail / fax to at least 3 suppliers seeking written quotes. Offers should be evaluated against specific criteria – price only, or quality / cost basis or other relevant criteria. Notify unsuccessful bidders in writing. Copies of all quotes should be kept for record purposes.
€25,000 – EU Threshold (€35,000)	Advertise on eTenders procurement portal with formal tender documentation. Formal evaluation and notification process required.
Greater than €35,000	Advertise on eTenders procurement portal, which will automatically link into the Official Journal of the European Union (OJEU) with formal tender documentation. Formal evaluation and notification process required and application of standstill period. N.B. Seek advice on process from Procurement Manager on procedure to adopt i.e. open, restricted, negotiated or competitive dialogue

Note: In accordance with Circular 02/2009 all ICT procurement opportunities with a value of €10,000 or greater must be advertised on the Government e-Tenders web-site at www.etenders.gov.ie

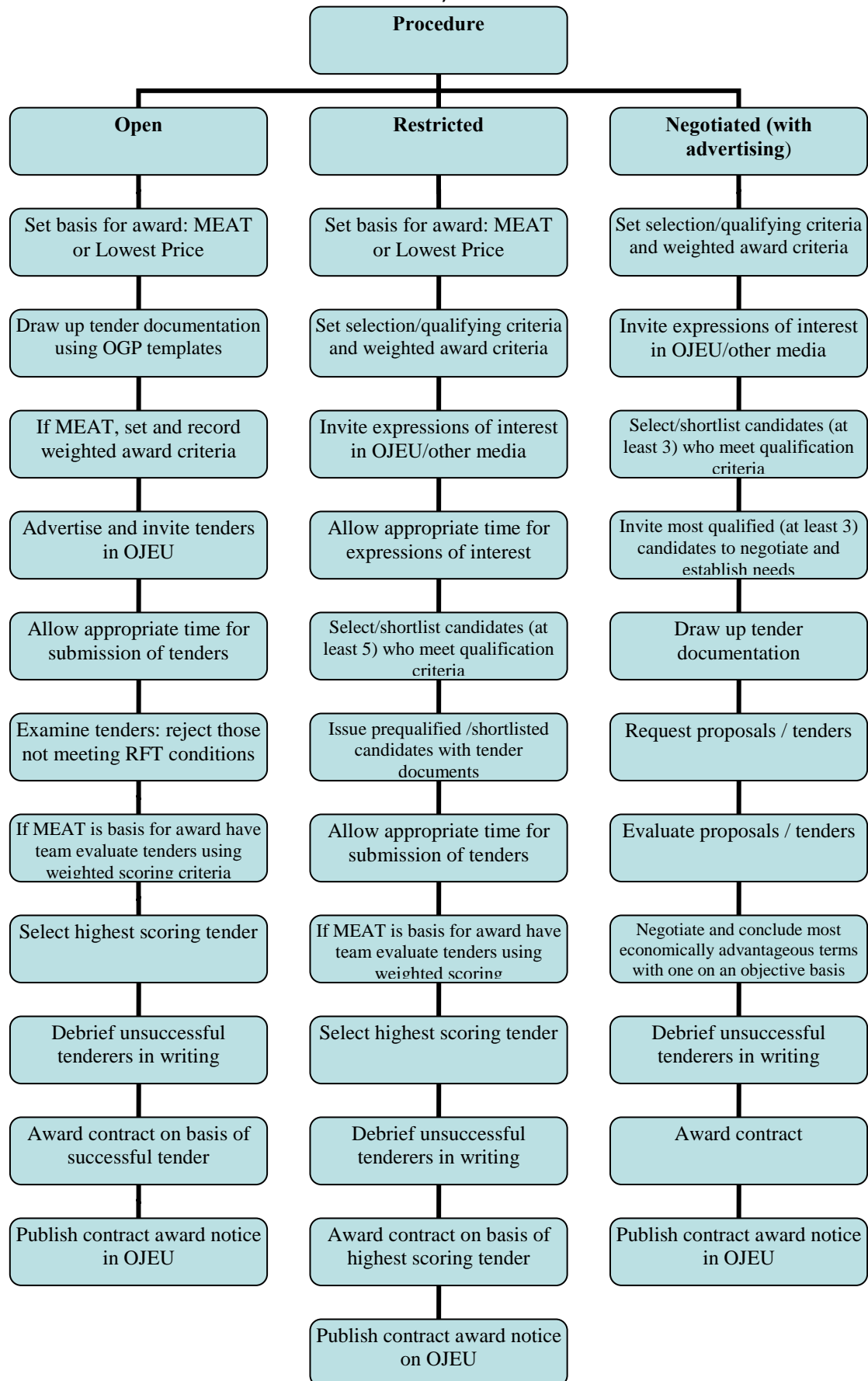
Appendix F

Steps in conducting a competitive process for contracts below E U threshold of €135,000



Appendix G

Steps in conducting a competitive process for contracts above E U threshold of €135,000



Appendix H

Contract Management - Roles and responsibilities of staff involved in contract management

Resource Management

- Maintenance of Contracts Register
- Notifying the SMT/Audit Committee and Board of new contracts entered into by the Courts Service
- Providing advice and guidance in relation to contract management.

Contract Owner

- Heads of Directorates – person with overall responsibility for goods/services being supplied –
- Contract owner is responsible for ensuring that;
- Signed contract is in place which is supported by a Service Level Agreement (SLA) where applicable
- Contracts awards are communicated to the Resource Management for inclusion on contract register
- Contract manager is assigned to manage the contract on a day to day basis
- Procedures are in place for reporting on contract performance, expenditure and on any issues which may arise during lifetime of contract
- Appropriate arrangements are put in place to monitor contract end dates in order to ensure that any new procurement is carried out on time where applicable

Contract Manager

- Officer responsible for managing the operation of the contract and ensuring contract performance meets Courts Service's expectations.

Contract Manager is responsible for ensuring that;

- Signed contract in place which is supported by a SLA where applicable
- Contract details are updated to Courts Service's contract register
- Procedures are in place to manage, monitor and review the contract performance and expenditure
- Records are kept of all meetings/communications with supplier and reviews carried out, expenditure reports etc.
- Issues/problems with contract performance are dealt with expeditiously and escalated to senior management where appropriate.

- Invoices submitted comply with agreed contract terms in relation to costs billed, information submitted with invoices and timing of issuing of invoices.
- Procedures are in place to ensure that supplier remains compliant with any mandatory contract/regulatory requirements eg T&S, Health and safety, Insurance Indemnity for the duration of the contract.
- Where contract is used by a number of different offices/users, information on agreed service levels, billing and prices is provided to all users and is easily and readily available to them for the duration of the contract.
- Periodic reports are provided to management on contract performance and expenditure.
- Any contract extensions are based on documented review of contract performance and communicated to the Resource Management Directorate.
- Appropriate arrangements are put in place to monitor contract end dates in order to ensure that any new procurement is carried out on time where applicable.

Appendix I

Approval Limits of Purchase Orders / Invoices

Purchase Order / Invoices Approval Limits	Financial Limit
Head of Resources Management Directorate	€2m +
Head Infrastructure Services	< €2.0m
Heads of Directorate (other than above)	< €0.500m
Principal Officers	< €0.150m
Assistant Principal Officers	< €0.080
Higher Executive Officers	< €0.025m

The limits above represent approval authority “Up To” that level unless otherwise stated.

Any changes in the financial limits are required to be approved with supporting rationale by the Senior Management Senior Team.

A management oversight procedure has been introduced whereby individual invoices in excess of €50,000 in a given month are reported to the Senior Management Team.

Appendix J

New Contracts for updating on Courts Service Contracts Register
New contracts with a value above €25,000 to be included in the Courts Service Contracts Register please complete the following table and forward by e-mail to financeunit@courts.ie

Vendor Name	
Description of Supplies / Service	
Contract commencement date	
Contract cessation date	
Extension period if included in contract	
Estimated value of contract (excl VAT)	
Procurement process used (i.e. Open EU, Restricted OJEU, OGP Framework, etc)	
Approved by (i.e. Head of Directorate, Finance Committee, etc)	
Person responsible for contract	
Any other relevant information	