



**Maynooth
University**
National University
of Ireland Maynooth

**Maynooth University
Procurement and
Contracts Office**

Procurement Policy

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1. Introduction

The Governance of Irish Universities 2012 stipulates that all state bodies should comply with all current EU Directives and national guidelines relating to procurement. In order to comply with this code of governance, the University has adopted the policies, procedures, rules and controls laid-down in this manual. In addition to the need for compliance, best practice demands that the university strive to attain best value for money (VFM).

Successive Governments have placed great emphasis on accountability, efficiency, transparency and value for money within the wider public sector. To this end, the Government has published a set of guidelines on the expenditure of public funds, titled Public Procurement Guidelines for Goods and Services. These guidelines outline the procedures to be followed by all persons involved in the procurement cycle and its key recommendations have been incorporated into this policy document.

1.1 Definition of Procurement

Procurement is a cycle that includes any or all actions from the time a service or supply is deemed to be required, through the acquisition of goods and/or service, its receipt at the university to its disposal. The cycle can also be divided into three phases as set out below:

1	Assessment of requirement	Pre-Tendering Phase
2	The decision to procure	
3	Selection of procedure	
4	Preparation of Tender Documents	Tendering Procedure Phase
5	Receipt of quotations/tenders	
6	Selection of supplier(s)	
7	Award of contract	
8	Managing the contract	Contract Management Phase
9	Approval and dispatch of purchase orders	
10	The receipt and storage of goods	
11	Invoice recording and matching	
12	Payment(s) to suppliers	

1.2 Procurement Principles

The following principles set down in the EU Directives and national guidelines shall be complied with:

- The EU treaty principles of non-discrimination, transparency, freedom of movement and freedom to provide goods and services apply to all procurement procedures regardless of value;
- It is a principle of Government procurement that competitive tendering should always be used, unless exceptional circumstances apply;
- The EU Directives and their transposition into Irish legislation have legal force and shall be followed.

The procurement process applies to all purchases and disposals.

1.3 Legislative Requirements and Guidelines

The university is required to comply with all applicable EU Directives and national guidelines including:

- Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 (Public Sector Directive), transposed into Irish Law as S.I. No. 284/2016 (the “2016 Regulations”)
- Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 (Utilities Directive), transposed into Irish law as S.I. No. 286/2016
- Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 (Concessions Directive)
- Public Procurement Guidelines for Goods and Services (2017)
- European Commission Interpretative Communication on the Community Law applicable to contracts not or not fully subject to the provisions of the Public Procurement Directives (2006/C179/02) of 1 August 2006
- Remedies Directive 2007/66/EC
- Remedies Regulations S.I. No. 130 of 2010
- Circular 40/02 – Public Procurement Guidelines – Revision of procedures for approval of certain contracts
- Circular 10/14: Initiatives to Assist SMEs in Public Procurement 2014
- Circular 16/13: Revision of arrangements concerning the use of Central Contracts put in place by the National Procurement Service
- Circular 05/13: Procurement of Legal Services and Managing Legal Costs

The university is working toward compliance with:

- Circular 02/16: Arrangements for Digital and ICT-related Expenditure in the Civil and Public Service

It is a responsibility of staff in the university to comply with this policy document.

1.4 Public Procurement in Ireland

The Office of Government Procurement (OGP) was established in 2013 to ensure the public service operates in a co-ordinated and efficient way when buying goods and services. The OGP has responsibility for sourcing all goods and services on behalf of the public service. In addition, the OGP also has full responsibility for procurement policy and procedures.

The OGP has responsibility for sourcing of goods and services on behalf of public sector bodies in the following categories:

- Professional Services (incl. audit services)
- Facilities Management and Maintenance
- Utilities
- ICT and Office Equipment
- Marketing, Print and Stationery
- Travel and HR Services
- Fleet and Plant
- Managed Services
- Veterinary and Agriculture

The Education Procurement Service (EPS) is the shared service for Higher Education including Universities and Institutes of Technology with respect to procurement. The EPS works with the OGP to source goods and services for Public Sector Bodies primarily in the following categories:

- Library Books
- Laboratory, Diagnostics and Equipment

It is Government policy that public sector bodies use centralised frameworks and contracts established by the OGP and its sourcing partners where available.

1.5 OGP Procedures

Public Sector Bodies are requested to use OGP's centralised frameworks and contracts for all applicable purchases, including those under €25,000.

The OGP also expects that public sector bodies will consult it regarding requirements above €25,000 that are not met by existing OGP central arrangements prior to going to market directly.

For purchases below €25,000, where there is no centralised arrangement in place, public sector bodies should follow current public procurement competitive process guidance.

1.6 Procurement and Contracts Office

If you are in any doubt about how to proceed in any matter relating to the procurement or disposal of goods or services, contact the Procurement and Contracts Office prior to entering into any procedure or process.

2. Procurement Policy

2.1 Scope

This manual governs all expenditure and disposals including research funding. It governs all members of the university involved in any aspect of procurement. It stipulates the policies, procedures, rules, controls and practices that shall be followed by all staff in the university. Members of staff responsible for any expenditure or disposal shall always seek to obtain the best value for money available and are subject to the principles of the Treaty of Rome, current EU Directives and national guidelines.

2.2 Budget Management and Control

The university operates a devolved budget management and control system. Budget holders have authority to utilise their budget allocation subject to compliance with the policies, procedures, rules and controls laid-down in the EU directives, National guidelines and this manual.

2.3 Procurement Thresholds

All potential contracts with a value greater than or equal to €25,000 must be advertised on the public procurement portal www.etenders.gov.ie. Budget Holders should ensure that potential purchases above this value are brought to the attention of the Procurement and Contracts Office at the earliest opportunity (see section 3.8 below to determine the value of a contract where the amounts payable are uncertain).

Table 1 sets out the procurement thresholds applicable to the University for the procurement of Goods and Services and the appropriate procedure in each case (where no existing contractual arrangement or framework is in place).

Table 1. Procurement Thresholds (Goods and Services)

Value of contract (excl. VAT)	Action (where no central contract is in place)
Less than €5,000	Written quotation from one or more suppliers
Between €5,000 and €25,000	Written quotations from a minimum of three suppliers
Over €25,000 to €215,000 (EU threshold)	Procurement and Contracts Office runs national tender on www.etenders.gov.ie , or OGP/EPS procures on behalf of University
Over EU threshold	Procurement and Contracts Office runs EU tender or OGP/EPS procures on behalf of University

The university operates a tiered procurement threshold system for procurement as per Appendix A of this document. Before deciding upon the appropriate procurement threshold budget holders must estimate the anticipated total spend over the lifetime of their requirement (including any extensions and excluding VAT).

To enable the university to comply with fully with public procurement guidelines, budget holders should consult the Procurement and Contracts Office at the earliest opportunity if the €25,000 threshold is likely to be exceeded.

2.4 Aggregation and Central Contracts

It is university policy to aggregate spend, where possible, in order to achieve value for money and improve efficiency. This policy reflects HEA and Department of Education and Skills direction. Aggregation may be on a university basis or may be limited to specific faculties, departments or research areas. The Procurement and Contracts Officer will monitor expenditure across the university by supplier and procurement category in order to inform decisions regarding aggregation.

Where contracts or framework agreements for commonly purchased supplies and services are established by the OGP (or one of its sourcing partners), the Procurement and Contracts Office will determine their suitability for meeting the university's requirements.

Contracts and Framework Agreements that have been adopted by the university will be added to the Procurement and Contracts Office's [Central Contracts Register](#).

Where central contracts exist for services or goods in any category, budget holders shall place orders for such services or goods with the contracted suppliers only. These contracts have been entered into centrally on behalf of the university or by the university and are legally binding. Where exceptional circumstances preclude the use of the central contracts, orders placed outside the contract shall be authorised by the budget holders and by the Procurement and Contracts Office prior to placing the order.

2.5 Ethics (Code of Conduct for Procurement)

All staff members involved in procurement activity act as agents of Maynooth University and are bound under the terms of the Ethics in Public Office Act 1995 and 2001, and the Standards in Public Office Act

2001. To complement these acts, the university has adopted a Code of Ethics (available at Appendix F) consistent with OGP Guidance.

Budget holders shall ensure that where any conflict of interest exists within their area of responsibility, it is notified prior to the commencement of any procurement. Prior to any examination of tenders members of the evaluation team should confirm in writing that:

- They have no known connections with any of the bidders or named individuals;
- They will not communicate with any bidder concerning the evaluation process;
- They will not accept any gifts or hospitality from any bidder; and
- They will treat any information they see as confidential.

2.6 Accountability

Budget holders should be aware that the independent auditors of the university, auditors approved by research funding bodies and the staff of the Comptroller and Auditor General's Office have full, free and unrestricted access to all procurement records of the university. Budget holders shall grant full and free access to all documents and decisions relating to any procurement activity that any auditor requires. On receipt of any observations resulting from any such audit, the budget holder concerned shall be responsible for ensuring that replies (if any) are furnished to the relevant auditor. Budget holders shall satisfy themselves that any such replies are correct in every respect.

Budget holders shall ensure that separation of function exists within the procurement cycle. They should ensure, insofar as possible, that ordering and receipt of goods is distinct from payment approval.

2.7 Procurement Training

It is the responsibility of each budget holder to ensure that they and those staff members within their departments/offices with responsibility for procurement are fully familiar with the university's procurement policies and procedures.

The Procurement and Contracts Office runs an annual programme of procurement training workshops. It is recommended that all staff attend at least one training workshop every three years.

2.8 Administration

Where the university enters into central contracts or framework agreements, a contract manager for that category of service or supply shall be appointed. The appointee shall be responsible for ensuring that the performance clauses prescribed in the competitive process are maintained by the service provider throughout the lifetime of the contract.

The contract manager may also be responsible for ensuring the following:

- That all insurance levels prescribed in the competitive process are maintained by the service provider throughout the currency of the contract;
- That tax clearance requirements prescribed in the competitive process are maintained by the service provider throughout the currency of the contract;
- That Health, Safety and Welfare requirements prescribed in the competitive process are maintained by the service provider throughout the currency of the contract;

Where the contract manager becomes aware of any breaches of the above, the contract manager shall inform the Procurement and Contracts Office of the levels of the breach and all communications with the service provider.

Each budget holder shall nominate one staff member (the designated nominee) from their area of responsibility who shall be responsible for all aspects of procurement within that department. This staff member shall also have responsibility for the maintenance of the fixed asset register within that area. The name and contact details of the person nominated shall be notified to the Procurement and Contracts Office and to the Payments Office. Where staff changes occur, such changes shall be notified to the Procurement and Contracts Office and the Payments Office.

2.9 Purchasing of Goods and Services

A Maynooth University Purchase Order must be raised for all purchases of goods and services unless the Procurement and Contracts Office has granted an exemption to the relevant category of expenditure or supplier. All Purchase Orders equal to or greater than €5,000 should be forwarded to the Procurement and Contracts Office for review before issuing to a supplier.

Budget holders (or their designated nominees) shall approve all Purchase Orders. Each budget holder, with the agreement of the Procurement and Contracts Office, may define the financial threshold at which the authorised procurement designee within the business unit may authorise expenditure of funds, authorisation of invoices, or receipt of goods.

University Procurement Cards may be used to purchase low-value goods online or once-off items where no centralised contract or existing supplier is in place.

2.10 Receipt of Goods and Services

Budget Holders (or their designated nominees) should ensure that when purchased goods are received appropriate steps are taken to verify that the goods are in proper condition, have been delivered to the correct location, and are in accordance with the relevant terms and conditions of the contract.

When receipting services, Budget Holders (or their designated nominees) should verify that the services were performed satisfactorily and in accordance with the relevant terms and conditions of the contract.

2.11 Payment for Goods and Services

Before paying an invoice for goods or services acquired with a Purchase Order, the university requires a match between purchasing, receipt and invoice information. Where variances are encountered, the invoice will be held and intervention required from the relevant Budget Holder.

2.12 Contract Monitoring

In order to ensure that budget holders are complying with the procedures and thresholds that are laid down in this manual, the Procurement and Contracts Office shall monitor expenditure levels on a regular basis. It shall immediately bring any breaches to the attention of the budget holder. It shall also bring to the notice of the Bursar any persistent or negligent breaches of these procedures.

2.13 Maverick Buying

The purchase of goods and services which are normally supplied through contracted suppliers are prohibited from buying through any other means other than in emergency circumstances. Emergency circumstances include (but is not limited to) the loss of a computer plug-in while attending an overseas conference.

Where instances of maverick buying (i.e. the purchase of contracted works, services or supplies from a non-contracted supplier) occurs, the following administration charge shall be levied against the responsible budget: -

- Where the instance involves the set-up of a new creditor on the university system, an administration charge of €500.00 shall be levied against the responsible budget.
- Where the instance involves the payment of invoices for contracted works, services or supplies to an existing creditor on the university system, an administration charge of €250.00 shall be levied against the responsible budget.

In addition, the staff member initiating the purchase from the non-contracted supplier of a good or service maybe subject to disciplinary procedures under the university statutes.

2.14 Internal Procedures

For all procurement related actions, an internal procedure shall be established within each department. This procedure should be subject to continual evaluation by the budget holders, and be consistent with the policies, procedures, rules and controls proscribed in this manual.

2.15 ICT Procurement

All ICT purchases (e.g. desktop equipment, software, server/storage/general computing, telecoms, Cloud-based services, licenses etc.) must be carried out in accordance with this policy and in compliance with relevant IT & Security policies approved by the IT Management Steering Committee (ITMSC).

The following organisational units are recognised as having an IT support function:

- Computer Science;
- Electronic Engineering;
- National Centre for Geocomputation;
- Hamilton Institute.

Notwithstanding this, budget holders and others with purchasing authority in these units are encouraged to co-ordinate ICT purchasing requirements with IT Services with a view to minimising risk, ensuring value for money and compatibility with existing IT infrastructures while avoiding duplication of technologies/services.

All other units must co-ordinate ICT purchasing with IT Services (or have agreed an exception to this policy from the ITMSC).

2.16 Document Retention

Budget holders are responsible for ensuring that records are maintained for all purchases. This includes record of seeking quotations, quotations received, and rationale for selecting winning bid, notification to unsuccessful bidders, copy of the purchase order and copy of the invoice.

Document retention shall be carried out in accordance with the university document retention policy and the requirements of any funding body (if appropriate). A checklist for this process can be found at Appendix G.

2.17 Engagement of Consultants and External Professional Services

In all instances, the engagement of consultants and external professional services shall be carried out in accordance with the current [Government guidelines on hiring consultants \(2006\)](#). Consultancy or other professional service contracts shall have a defined scope, a start and finish date and defined rates for attendance and travel prior to initiation of the contract.

2.18 Environmental and Sustainability Considerations

The university is keenly aware of the need to consider sustainability in its procurement decisions. The need to comply with environmental legislation and to seek environmentally friendly options and solutions is strongly advocated to all staff members.

Comprehensive guidance on the use of environmental clauses in the procurement process is set out in:

- [Green Tenders - An Action Plan on Green Public Procurement](#), published by the Department of Environment, Community and Local Government and the Department of Public Expenditure and Reform, and
- [Green Procurement: Guidance for the Public Sector](#) published by the Environmental Protection Agency

2.19 Procurement and Accessibility

Whenever possible, specifications and requirements shall take into account accessibility for people with disabilities. Further information is available from the National Disability Authority: [Procurement and Accessibility](#).

2.20 Social and Labour Provisions

All suppliers of goods and services to the university should comply with all applicable laws including but not limited to all obligations in the field of environmental, social and labour law that have been established by EU law, national law (including the European Convention on Human Rights Act), collective agreements and by international, environmental, social and labour law listed in the 2016 Regulations.

2.21 Improving Opportunities for Small and Medium Enterprises (SMEs)

The university is committed to ensuring that SMEs have fair access to its contracts through adopting best practices outlined in Circular 10/14 and OGP guidance.

2.22 Fair Trade Products

The university has achieved fair trade status and thus is committed to supporting and using fair trade products. Fair trade or similar variants shall be sought for any contracts where the option exists.

2.23 De-briefing of unsuccessful suppliers

All staff members involved in procurement activity act as agents of Maynooth University. They are obliged to inform candidates, without delay of the result of any tender or quotation competition.

For contracts below the EU threshold, it is good practice to provide tenderers (in writing) with the reason(s) for the unsuccessful bid by reference to their relative performance under the relevant evaluation criteria used in the competition.

If you require any further information regarding de-briefing, you should contact the Procurement and Contracts Office.

2.24 Tender Evaluation

All tenders shall be evaluated using the most economically advantageous tender method. In particular, tenders for the purchase of capital equipment shall be evaluated using life cycle costing rather than initial price. Full details on the methodology of this method are outlined in the guidance document to [Life Cycle Costing](#). If you are in any doubt about this system contact the Procurement and Contracts Office.

2.25 Sole Source Procurement

Sole source procurement is defined as an acquisition where only one supplier exists for the required item or service. Proprietary brand preferences do not justify sole source where more than one potential supplier for the required item or service exists.

Where there is only a sole source for a particular item or service a **Sole Source Justification Form** (see Appendix E) shall be submitted to the Procurement and Contracts Officer for approval. A competitive process may be required to substantiate the sole source claim before approval is granted. Such a process shall be run under the terms of this manual and recorded by the budget holder or Procurement and Contracts Office as appropriate. Future purchase of the item or service shall be made

by negotiated procedure with the selected supplier. In all instances, it is the responsibility of the budget holders involved to keep abreast of developments in the market in order to ensure that new products and suppliers for such services or supplies are identified as they become available. Any orders placed for services or supplies with sole sources shall be authorised by the budget holder.

In all such instances, the market place shall be tested regularly by competitive process to ensure that the sole source justification remains valid. When this process is used, a copy of the Sole Source Justification Form shall be maintained for audit by the budget holder.

2.26 Urgent Requirements

Budget holders should use the Sole Source Justification Form in circumstances where they intend to award a contract without a call for competition on the grounds of extreme urgency. Budget holders should note that the extreme urgency must:

- be brought about by events unforeseeable by the university that are not attributable to the university;
- make it impossible to conduct a regular procedure even with shortened time limits.

What constitutes extreme urgency cannot be specified exhaustively in advance but occasions when it is necessary to award a contract without a competitive process are very rare.

Any contract awarded on the basis on an extreme urgency justification should be limited to the quantities of goods or level of service that are urgently required and be for a period of time no greater than is strictly necessary. The Procurement and Contracts Office will maintain details of all such contracts.

The complete set of circumstances under which budget holders may award a contract without a call for competition are provided in Appendix C.

2.27 Personal Purchases

Purchases of goods or services for personal use are not permitted through the university procurement system.

3. Procurement Procedures

3.1 Introduction

Budget holders engaged in procurement activity are acting as legal agents of the University. In this capacity budget holders shall ensure that all staff members engaged in procurement are fully aware of the policies, procedures, rules and controls laid-down in this manual. Budget holders are responsible for the administration of university funds in the most cost-effective manner, and in the best interests of the university.

3.2 Central Contracts and Frameworks

The Procurement and Contracts Office shall assess the needs of the university for all categories of works, services and supplies. Where aggregation of needs is possible, the Procurement and Contracts Office shall initiate central contracts or framework agreements for the provision of the particular service or supply.

In all instances where OGP or EPS contracts or framework agreements for any category of service or supply exists, entry into the centralised process shall be the norm.

3.3 Risk Assessment and Management

The Procurement and Contracts Office shall initiate a risk management process for procurement projects where:

- the value of the purchase is high (contract value in excess of €1million)
- the procurement process is complex
- adverse consequences could significantly affect the university's operation
- delivering the university's core services could be adversely affected.

3.4 New Suppliers

Where it is necessary to use a new contractor that is not currently used by the university, care must be taken to ensure that the supplier meets the minimum criteria set down in the university guide to engaging suppliers. You should also obtain the information required by the [Payments Office](#) in order to ensure payment of any invoices.

Budget holders should note that new supplier requests are subject to approval by the Procurement and Contracts Office and may be rejected if they are for non-recurring requirements and can be sourced from existing contracted suppliers.

3.5 Tax Clearance Procedures

A condition of obtaining a public sector contract of a value of €10,000 or more, (inclusive of VAT), within any twelve month period, is that the contractor is required to produce a Tax Clearance certificate or demonstrate a satisfactory level of tax compliance.

3.6 Sub-contractors

The University is obliged to operate Relevant Contracts Tax on payments to sub-contractors. Full details of the operation of the tax are available on the Revenue website: [Revenue RCT information](#).

3.7 Leasing

Budget holders shall enter into lease agreements only after consultation with the Finance Office. The decision to lease or buy is generally based on a number of factors, including *inter alia* budget constraints, interest rates, and cash flow. Budget holders that have specific requirements or special factors for consideration regarding the procurement of equipment shall inform the [Finance Office](#) prior to making a decision to lease equipment. The Finance Office will appraise the lease or buy alternative and will submit a recommendation to lease or buy the equipment to the budget holders together with back up documentation. This recommendation will take into account the relevant department's budget, the university's overall cash flow position together with any additional accounting requirement. All leases shall be countersigned by at least one of the university's designated authorised signatories.

3.8 Estimating Contract Values

Different procurement procedures apply depending on what is being procured and the value of a contract. When valuing a contract, in order to ascertain the applicable procurement procedure, the estimate must:

- be a genuine pre-estimate of the contract value at the date of publication of the contract notice
- be exclusive of VAT
- take into consideration the entire term of the contract, i.e. including all extensions
- assume that all options under the contract are being exercised

When estimating the value of a contract no project or purchase should be sub-divided to avoid the application of the national rules or, where appropriate, the EU public procurement Directives. Where a

supply or service contract cannot indicate a total price, or does not have a fixed terms or has a term greater than four years, the estimated value must be calculated by multiplying the monthly value by 48.

Where a project or purchase involves separate lots, the value of all lots must be included in estimating the value of the contract. These estimation procedures shall also be applied, where necessary, for contracts below the EU thresholds. Where there is a possibility of a further phase, or phases, of a project, the Budget Holder should include these when estimating the value.

3.9 Reporting 'poor value for money'

It is recognised that staff may from time to time come across circumstances where a good or service appear to be better value for money when purchased from an unapproved supplier as against the approved supplier. There are a number of legitimate reasons why this might occur including:

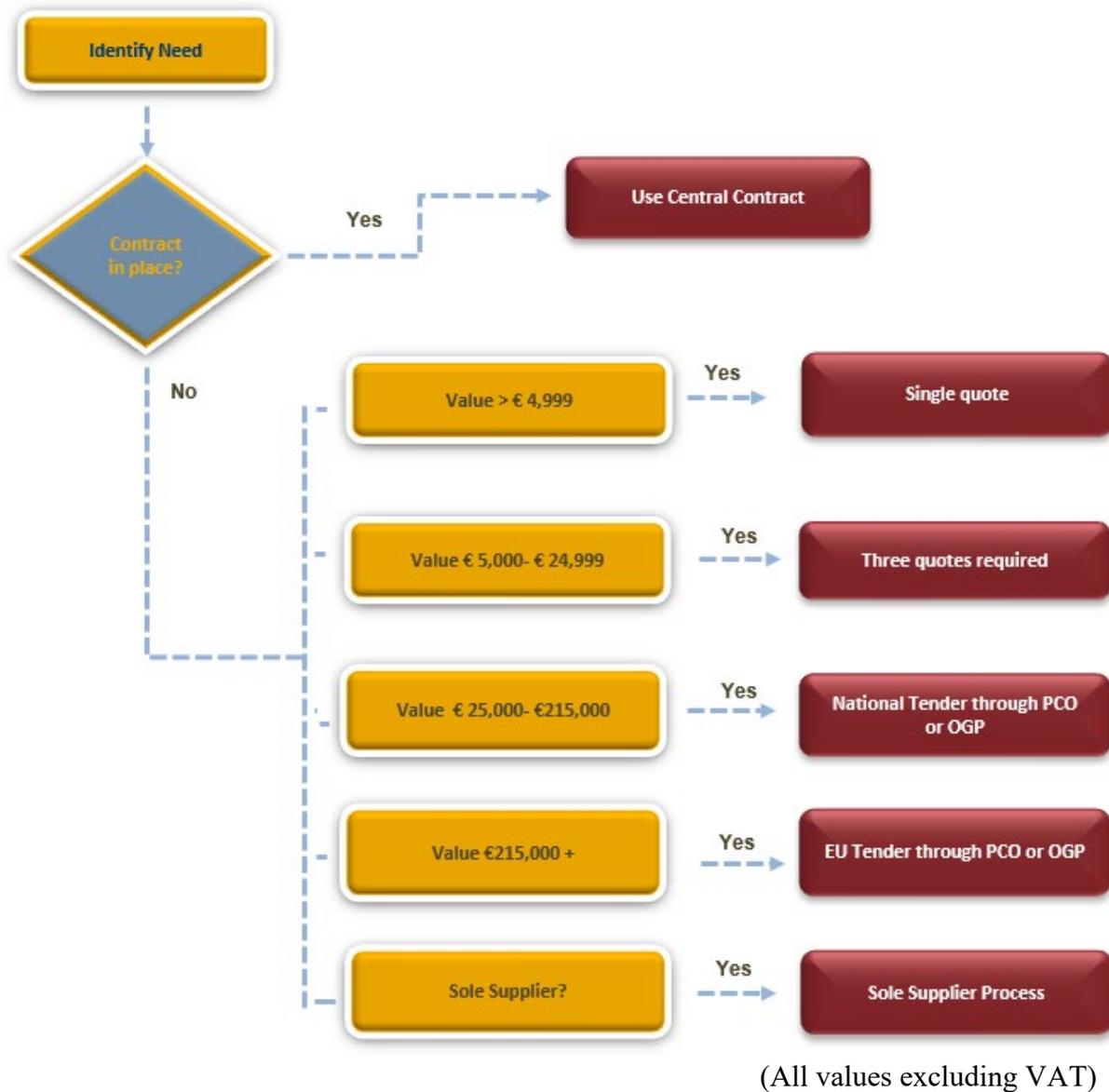
- the insistence of the university that the supplier is insured, pays staff at least the minimum wage and provides terms and conditions to staff that are both legal and easy to understand;
- the quality standard that the approved supplier meets;
- the 'to desk' delivery policy of the contracted supplier.

However, when a staff member is concerned with the value being achieved for a contracted supplier, they should report the matter to the Procurement and Contracts Officer at procurement@mu.ie. Each concern will be responded to (normally) within five days.

3.10 Review

The Procurement Policy will be formally reviewed before the end of June 2020.

4. Appendix A: Procurement Process (Goods and Services)



If you are unsure how to proceed, contact the Procurement and Contracts Office

5. Appendix B: Competitive Procedures Overview

Below Threshold

For contracts or purchases below the EU threshold the specific procurement procedures set out in the 2016 Regulations do not apply. At a minimum, the following less formal procedures should be adhered to. The Procurement and Contracts Office shall manage all competitive procedures with an estimated contract value in excess of €25,000 excl. VAT.

Quotation Process (for goods and services with an estimated value less than €25,000)

The purpose of seeking a quotation is to ensure that the University gets the best possible value when purchasing goods or services. The number of quotes sought depends on the value of the purchase. Quotation processes are generally informal and can be responded to within days. The following steps should be adhered to as university best practice:

1. contracts for goods and services with an estimated value of less than €5,000 can be purchased on the basis of verbal quotes from one or more competitive suppliers
2. At least three firms should be invited if the value of the contract is in the range €5,000 to €25,000
3. Quotations can be sought without advertising – you have the freedom to decide who you invite to submit quotations
4. The firms invited to quote can be known to the University but should be capable of providing a competitive quotation to ensure value for money
5. Invitations and responses should be in writing (email is sufficient)
6. The Request for Quotations (RFQ) document should include:
 - Specification of requirements
 - The basis for the award decision (price and quality or price only)
 - The method of submission.
7. Full records of quotations received should be maintained.
8. Bids should be evaluated against the criteria set out in the RFQ.
9. Unsuccessful firms should be notified that their quotation has not been successful and informed who won.
10. Records should be kept for the auditors on the key stages of the process.

National Tender Process

Tendering is a more formal process, utilising the Irish government portal www.etenders.gov.ie. This process applies to goods or services which, over the life of the contract have a value of between €25,000 and €209,000 excl. VAT.

1. Advertise on eTenders using the Open Procedure (other procedures may be used in certain circumstances)
2. Use Maynooth University template Request for Tenders (RFT) document which should include:
3. Specification of requirements
4. The basis for the award decision (MEAT)
5. The method of submission.
6. General terms around tax, insurance, other statutory instruments
7. In most cases, a minimum of 21 days should be allowed for the receipt of tenders (there is no set time limits for below threshold tenders, so deadlines can be shortened where circumstances require it)
8. Full records of quotations received should be maintained
9. Tenders should be evaluated against the criteria set out in the RFT
10. Unsuccessful firms should be notified that their tender has not been successful and informed who won
11. Records should be kept for the auditors on the key stages of the process

Above EU Threshold

There are five award procedures that contracting authorities may utilise when awarding contracts under the 2016 Regulations as follows:

The Open Procedure

This is a single stage approach, whereby any interested party may submit a tender response. All documentation must be made fully and freely available for access online from the date of publication of the contract notice.

Tenders are usually assessed as follows:

- Compliance with the requirements of the tender process (pass or fail)
- Assessment against minimum financial and technical rules (pass or fail)
- Compliance with the specification
- Assessment against the award criteria

The closing date for the receipt of tenders is generally no less than 35 days from the day after the date of dispatch of the Contract Notice to OJEU. Reductions in timescales are available in the following limited circumstances:

- if a Prior Information Notice (PIN) was issued within the relevant timeframe or
- where a state of urgency duly substantiated by the contracting authority renders the time limit impractical or where public bodies will accept a tender response electronically

The Restricted Procedure

This is a two-stage procedure, whereby any party may request to participate – usually in the form of an expression of interest seeking information on their financial, economic and technical capacity – only those invited by the contracting authority may submit tenders.

Following evaluation of the expressions of interest a number of at least five should be invited to tender, if that is available, subject to confirmation of self-declared information.

Competitive Dialogue & Competitive Procedure with Negotiation

Contracting authorities may apply a competitive dialogue or a competitive procedure with negotiation in the following situations:

1. With regard to works, supplies or services fulfilling one or more of the following criteria:
 - The needs of the contracting authority cannot be met without adaptation of readily available solutions
 - They include design or innovative solutions
 - The contract cannot be awarded without prior negotiations because of specific circumstances related to the nature, the complexity or the legal and financial make-up or because of risks attached to the works, goods or services
 - the technical specifications cannot be established with sufficient precision
2. With regard to works, supplies or services where, in response to an open or restricted procedure, only irregular or unacceptable tenders are submitted

The aim of the Competitive Dialogue Procedure is to open a dialogue with qualified candidates in order to identify and define the means best suited to satisfying the authority's needs, where the provision of a definitive specification is not possible due to the nature of the procurement.

The Competitive Procedure with Negotiation requires the Contracting Authority to have a basic specification of requirements and invite initial tenders from the qualified list identified after assessment of applications (usually on foot of completed qualification questionnaires).

Innovation Partnership

This is a new procedure provided for under the 2016 Regulations governing situations where a requirement for innovation supplies, services or works cannot be met by solutions already available on the market. It allows for the establishment of a structured partnership with one or more partners which covers the research and development, prototyping and commercial acquisition phases.

The Innovation Partnership is an application of the competitive procedure with negotiation to award one or more contracts covering these phases. The contracting authority must set intermediate targets to be attainable by the participants and must provide for payment in appropriate instalments and on the basis of these targets. Based on the targets provided the contracting authority may decide after each phase to terminate the innovative partnership, or where there are several partners on the innovative partnership provide an option to reduce the number of partners by terminating individual contracts.

The commercial stage of the resulting innovative good, service or works can then take place provided that they correspond to the performance levels and maximum costs agreed between the contracting authority and the participants.

6. Appendix C: Negotiated Procedure without a Call for Competition

The negotiated procedure without a call for competition may be used in the following circumstances:

For supplies, works and services:

- a. No tenders or no suitable tenders or no applications have been submitted in response to an open procedure/ restricted procedure.
- b. The contract may be awarded only to a particular vendor due to technical or artistic reasons, or for reasons connected with the protection of exclusive rights (including intellectual property rights).
- c. For reasons of extreme urgency brought about by events unforeseeable by MU, the time limits under the normal procedures cannot be complied with. (The circumstances invoked to justify extreme urgency must not in any event be attributable to MU).

Supply contracts only

- d. The products involved are manufactured purely for the purpose of research, experimentation, study or development. Note: this provision does not extend to quantity production to establish commercial viability or to recover research and development costs.
- e. For additional deliveries by the original supplier which are intended either as a partial replacement for normal supplies or installations or as the extension of existing supplies or installations, where a change of supplier would oblige the Bank to acquire material having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance. The duration of such contracts as well as that of recurrent contracts shall not, as a general rule, exceed three years.
- f. For supplies quoted and purchased on a commodity market.
- g. For the purchase of supplies on particularly advantageous terms, from either a supplier which is definitively winding up its business activities, or the receivers or liquidators of a bankruptcy, an arrangement with creditors, or a similar procedure under national laws or regulations.

Service Contracts only

A contract to follow a design contest and it is to be awarded to the successful candidate or to one of the successful candidates. In the latter case, all successful candidates must be invited to participate in the negotiations.

Works or Works-related Services

For new works or services consisting in the repetition of similar works or services entrusted to the economic operator to whom MU awarded an original contract, provided that such works or services are in conformity

with a basic project for which the original contract was awarded according to the open or restricted procedure. The possible use of this exception had to have been disclosed at the time of advertisement of the first project. Also this exception may be used only during the three years following the conclusion of the original contract.

7. Appendix D: EU Competitive Procedures Minimum Timescales

Procedure	Contract Notice		Receipt of Tenders		Minimum Timescales
Open	30 Days* Accelerated 15 Days with PIN 15 Days				30 Days 15 Days 15 Days
Procedure	Contract Notice	Receipt of Request to participate	Invitation to Tender	Receipt of Tenders	Minimum Timescales
Restricted	30 Days Accelerated 15 Days		25 Days* Accelerated 10 Days with PIN 10 Days		55 Days 25 Days 40 Days
Competitive Procedure with Negotiation	30 Days Accelerated 15 Days		25 Days* Accelerated 10 Days with PIN 10 Days		55 Days 25 Days 40 Days
Competitive Dialogue	30 Days		N/A**		N/A
Innovation Partnership	30 Days		N/A**		N/A
Dynamic Purchasing	30 Days		N/A**		N/A
Must Allow 10 Day Mandatory Standstill Period between award and contract commencement*					
PIN = Prior Information Notice Can be used to shorten timescales if released between 35 days and 12 months before a contract notice.					
Accelerated Procedure = Reduction of timescales justified by "duly substantiated state of urgency"					
* Includes 5 day reduction for electronic submission (via eTenders). If accepting non-electronic submissions in line with Regulation 23 of the 2015 Regulations, add 5 days to these timescales.					
**No minimum timescales for tender receipt. Not subject to accelerated procedure or reduction of timescale via PIN.					

8. Appendix E: Sole Source Justification Form

This form must be completed for all purchases of goods or services over €5,000 where single source action is proposed. It should be retained for audit purposes to justify the decision not to comply with the procedures laid down in the Procurement Manual.

For Procurement and Contracts Office use only	
Application No.	Contract Reference No.

Part A Budget Holder Information		
Requesting Department	Project Name (if applicable)	Funding Source
Requester Name	E-mail Address	Phone No/Ext No
Description of Goods/Services/Works being purchased		
Estimated Value (excl. VAT)		
Is this a once-off or recurring purchase (if recurring, please specify the period, e.g. 3 years)		

Part B Supplier Information		
Supplier Name	Address	
Contact Name	Supplier Reference/ Quotation Number	
Telephone No	E-mail	Website

Part C Justification

Please explain in a clear and comprehensive manner why the award of the contract without prior publication of a contract notice is required.

Part D Classification of Sole Source Requirement

Please tick the most appropriate justification below

Any contract

No tenders or no suitable tenders or no applications have been submitted in response to an open procedure/ restricted procedure.

The contract may be awarded only to a particular vendor due to technical or artistic reasons, or for reasons connected with the protection of exclusive rights (including intellectual property rights).

For reasons of extreme urgency brought about by events unforeseeable by MU, the time limits under the normal procedures cannot be complied with.

All tenders submitted in reply to an open/ restricted / competitive dialogue procedure were irregular or unacceptable.

The contract falls outside the scope of the Directive.

Where the External Funder has named a specific company or individual in the funding grant/contract award letter.

Supply contracts only

The products involved are manufactured purely for the purpose of research, experimentation, study or development.

For additional deliveries by the original supplier which are intended either as a partial replacement for normal supplies or installations or as the extension of existing supplies or installations, where a change of supplier would oblige the Bank to acquire material having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance.

For supplies quoted and purchased on a commodity market.

For the purchase of supplies on particularly advantageous terms, from either a supplier which is definitively winding up its business activities, or the receivers or liquidators of a bankruptcy, an arrangement with creditors, or a similar procedure under national laws or regulations.

Service Contracts only

A contract to follow a design contest and it is to be awarded to the successful candidate or to one of the successful candidates. In the latter case, all successful candidates must be invited to participate in the negotiations.

Works or Works-related Services

For new works or services consisting in the repetition of similar works or services entrusted to the economic operator to whom MU awarded an original contract, provided that such works or services are in conformity with a basic project for which the original contract was awarded according to the open or restricted procedure.

Requested by		Date	
Budget Holder		Date	
Approved by Head of Department (for values above (€209,000))		Date	

TO BE COMPLETED BY THE PROCUREMENT AND CONTRACTS OFFICE:

Justification accepted		Justification challenged	
Justification accepted after challenge		Justification withdrawn	

Reasons for challenge

Signed by Procurement and Contracts Officer

Date:

9. Appendix F: Code of Ethics (Procurement)

Introduction

Budget holders undertake to work to exceed the expectations of the following code and will regard the code as the basis of best conduct in the procurement function.

In adhering to this Code of Ethics, budget holders should:

- Seek to achieve widespread acceptance of the code by their staff.
- Raise any matter of concern of an ethical nature with their head of department or another senior colleague if appropriate, irrespective of whether it is explicitly addressed in the code.

Principles

Budget holders shall always seek to uphold and enhance the standing of the procurement function and will always act professionally and selflessly by:

1. Maintaining the highest possible standard of integrity in all their business relationships both inside and outside the University.
 2. Rejecting any business practice which might reasonably be deemed improper and never using their authority for personal gain;
 3. Enhancing the proficiency and stature of the function by acquiring and maintaining current technical knowledge and the highest standards of ethical behaviour;
 4. Fostering the highest possible standards of professional competence amongst those for whom they are responsible;
 5. Optimising the use of resources which they influence and for which they are responsible to provide the maximum benefit to their employing organisation;
 6. Complying both with the letter and the spirit of:
 - The principles of Fairness, Openness, Transparency and Proportionality;
 - University guidance on professional practice;
 - Contractual obligations;
5. Budget holders should never allow themselves to be deflected from these principles.

Guidance

In applying these principles, budget holders should follow the guidance set out below:

- Declaration of interest - Any personal interest that may affect or be seen by others to affect a staff member's impartiality in any matter relevant to his or her duties should be declared.
- Confidentiality and accuracy of information - The confidentiality of information received in the course of duty should be respected and should never be used for personal gain. Information given in the course of duty should be honest and clear.

- Competition - The nature and length of contracts and business relationships with suppliers can vary according to circumstances. These should always be constructed to ensure deliverables and benefits. Arrangements, which might in the long term prevent the effective operation of fair competition, should be avoided.
 - Business gifts - Business gifts, other than items of very small intrinsic value such as business diaries or calendars, should not be accepted.
 - Hospitality - The recipient should not allow him or herself to be influenced or be perceived by others to have been influenced in making a business decision as a consequence of accepting hospitality. The frequency and scale of hospitality accepted should be managed openly and with care and should not be greater than the member's employer is able to reciprocate.

Decisions and Advice

When it is not clear what is and is not acceptable, advice should be sought from the staff member's supervisor, another senior colleague or the Bursar as appropriate. Advice on any aspect of this code is available from the Procurement and Contracts Office.

10. Appendix G: Procurement Process Check List

Document	Copy on File (Y/N)	Applicable (Y/N)
General		
Procurement Support Request		
All documentation that issued to market (e.g. PIN, PQQ, Contract Notice, RFT, ITT)		
All clarifications sent to tenderers/candidates		
Tender Receipt Record		
Tender Opening Record signed by at least two authorised staff		
Declaration of Conflict of Interest		
Contract Award Notice		
Tender Report		
Regulation 84 Report (for OJEU Tenders)		
Restricted Procedure		
Schedule of candidates who returned completed PQQ		
PQQ Scoring Matrix		
Copy of letters sent to all unsuccessful candidates		
Copy of letters sent to all successful candidates shortlisted for tender		
Open & Restricted Procedure		
Evaluation sheet with weightings signed by at least two authorised staff		
Letters sent to all successful candidates		
Letters sent to unsuccessful tenders debriefing them of award.		

Award of Contract that was published in the OJEU & send a copy to the ERDF Co-ordinator in the HEA.		
Framework Agreements		
Confirmation that Maynooth University has access rights to the Framework		
Confirmation that suppliers were appointed within start and end dates of the framework and that the maximum cumulative value under the framework had not been exceeded.		
Evidence to confirm how suppliers were appointed and that this was in accordance with the framework rules		
If a mini tender competition was undertaken: <ul style="list-style-type: none"> • Tender brief • record of tenders received • copies of all tenders received • evaluation report • award and unsuccessful letters 		
Contract Stage		
The signed contract		
The project management plan (including risk assessment)		
Minutes of all project management meetings		
All orders to the contract holder for work packages/services		
All requests for payment by the contract holder (incl. requests for expenses)		
All acceptance notes for deliverables and services		
All correspondence with the contract holder		
Post-implementation review (or review/reports by third parties)		

11. Appendix H: Further Guidance

The following notes and documents have been produced for the guidance of budget holders in their management of the procurement function.

[Guide to Tendering](#)

[Guide to Stock Control](#)

[Guide to Life Cycle Costing](#)

The following legislation and documentation are referred to in this document, and may be accessed at the following links:

[Sale of Goods and Supply of Services Act 1980](#)

[Standards in Public Office](#)

[Late Payment in Commercial Transaction](#)

[Safety, Health and Welfare at Work Act 2005](#)

[Freedom of Information Act](#)

[Guidelines for the Engagement of Consultants and other External Support](#)

Useful Websites

[eTenders](#)

[Office of Government Procurement](#)

[Construction Procurement](#)

[ICT Procurement](#)

[Green Public Procurement \(Department of Communications, Climate Action & Environment\)](#)

[Enterprise Ireland](#)

[InterTradeIreland](#)

[Competition and Consumer Protection Commission](#)

[EC Public Procurement](#)

[Tenders Electronic Daily \(TED\)](#)

[EC Green Public Procurement](#)

[European Structural and Investment Funds in Ireland](#)

[Case Law - Court of Justice of the EU and General Court](#)

[World Trade Organisation and Government Procurement Agreement \(GPA\)](#)

[Procura+ European Sustainable Procurement Network](#)

[European Institute of Public Administration](#)