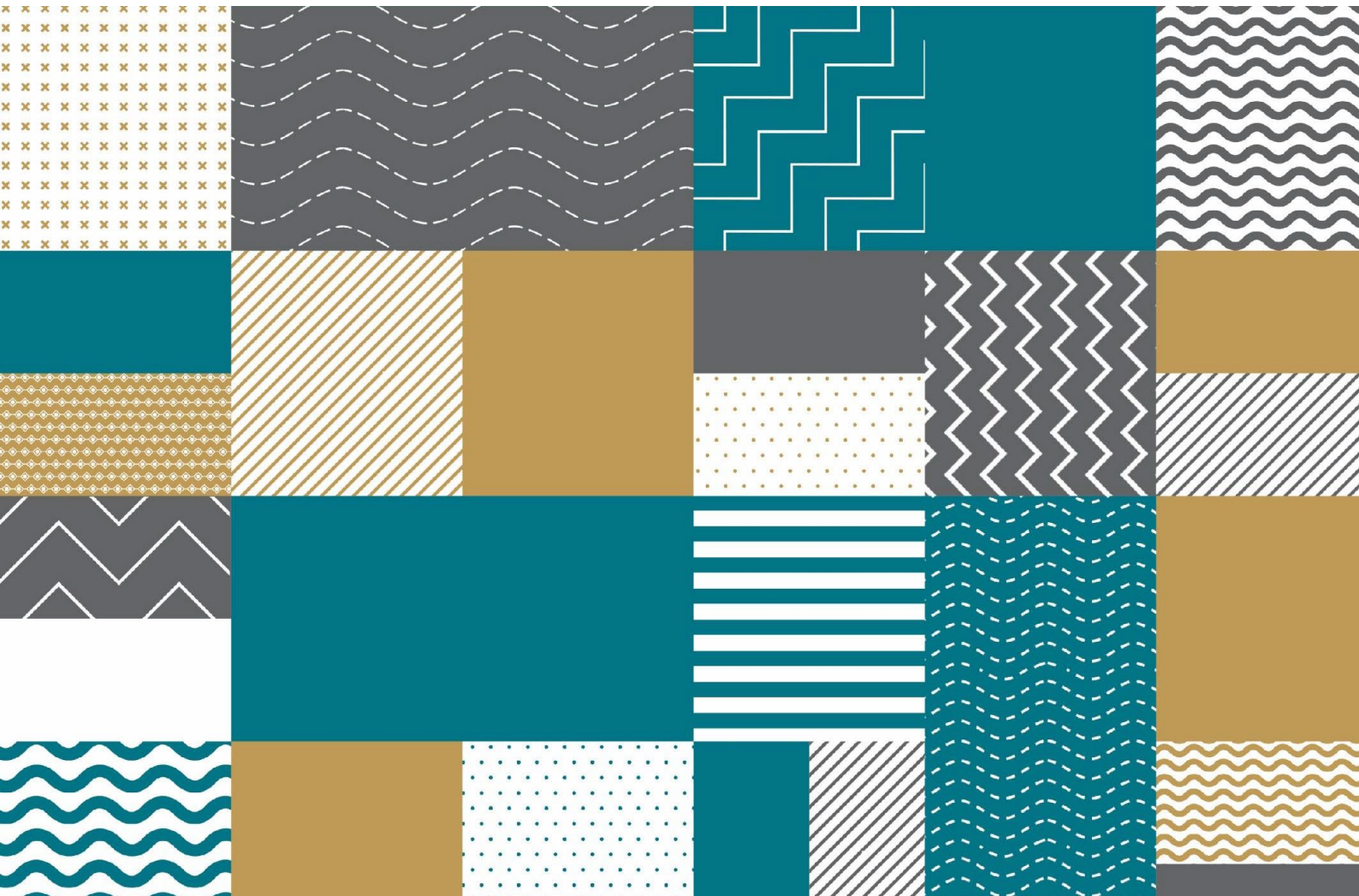


An  
Bord  
Pleanála

## Public Procurement Policy & Guidelines for Goods & Services



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# Procurement Policy

## 1. Introduction

This document outlines An Bord Pleanála's policy and guidelines for the procurement of goods and services.

Under the provisions of the Code of Practice for the Governance of State Bodies, it is the responsibility of the Board to satisfy itself that the requirements for public procurement are adhered to and to be fully conversant with the current value thresholds for the application of EU and national procurement rules.

In accordance with the said Code, the Board will ensure that competitive tendering will be standard procedure in the procurement process of An Bord Pleanála. Management, and ultimately the Board, will ensure that there is an appropriate focus on good practice in purchasing and that procedures are in place to ensure compliance with procurement policy and guidelines.

All procurement within An Bord Pleanála must be carried out in accordance with relevant procurement legislation. As a public body, An Bord Pleanála complies generally with the procedures for public procurement laid down in the Public Procurement Guidelines for Goods and Services published by the Department of Public Expenditure & Reform in January 2019. These guidelines form part of the Office of Government Procurement (OGP) National Procurement Policy Framework which consists of 5 strands:

- Legislation (Directives and Regulations)
- Policy (Circulars etc.)
- General Guidelines
- Capital Works Management Framework
- Technical Guidelines (template documents and notes issued periodically by Policy Unit of OGP)

These guidelines do not purport to be a legal interpretation of procurement law. Legal advice should be obtained where appropriate.

This document will be revised following any changes to EU and National legislation or updates to National guidelines.

A list of key documents relating to procurement can be found at [Appendix 2](#).

Disposal of Assets is also referred to this document at page 19.

## 2. Key Principles

The following principles will apply to procurement in An Bord Pleanála:

### A. EU Treaty Principles

- **equal treatment and non-discrimination** (all parties must be treated equally and without bias at all stages of the process)
- **transparency** (the procurement process must be clear and easily audited)
- **mutual recognition** (equal validity must be given to the qualification and standard of other member states)
- **proportionality** (procurement procedures and decisions must be proportionate)
- **free movement of goods and services** (elimination of customs duties and quantitative restrictions on goods/services between member states)
- **the right of establishment** (carry on an economic activity in a stable and continuous way in another Member State).

### B. Accountability

All procurement carried out by An Bord Pleanála is guided by the following key principles:

- fairness, equity and best value for money
- compliance with EU and National Law and National Guidelines
- the maximum use of centrally established framework agreements

### C. Separation of Functions

In organising the procurement function, An Bord Pleanála will ensure appropriate separation of duties within the procurement cycle. For example, insofar as possible, ordering and receiving goods and services should be separate from payment for goods and services.

### D. Risk Assessment

When risk is considered with respect to procurement, for example, in procurement where the value is high or the process is complex, An Bord Pleanála will ensure that risk is assessed in relation to each category of goods and services with reference to the following factors:

- The nature of the supply market, e.g. does it favour the buyer or the supplier?
- Probability of supply failure

- Impact on the organisation of supply failure
- Strategic importance to the organisation

### **E. Record Keeping**

Appropriate records will be maintained by An Bord Pleanála throughout the purchasing process and beyond for a minimum of 3 years. Records will provide an audit trail of the reasons for making a particular procurement decision.

### **F. Training**

An Bord Pleanála will ensure that staff engaged in procurement are fully familiar with the relevant EU and national rules and are compliant with these when performing procurement function.

### **G. Conflicts of Interest**

An Bord Pleanála will take appropriate measures to prevent, identify and remedy conflicts of interest in the conduct of a procurement procedure to avoid any distortion of competition and to ensure equal treatment of tenders. A conflict of interest includes any situation where a Board or staff member has directly or indirectly a financial, economic or other personal interest which might be perceived to compromise his or her impartiality and independence in the context of the procurement procedure.

### **H. Collusive Tendering**

Should a Board or staff member involved in the procurement function suspect bid-rigging or collusive tendering, e.g. where a number of competitors seek to conspire in secret regarding who might win a particular tender competition, such activities represent serious infringement of competition law and should be brought to the attention of the Competition and Consumer Protection Commission.

### **I. Acceptance of Bribes**

In accordance with An Bord Pleanála's Code of Conduct, a member or employee should not accept or obtain, or agree to accept or attempt to obtain from any person or body for himself/herself or for any other person, any gift, invitation, sponsorship, consideration or favour which may be interpreted as an inducement or reward for doing or forbearing to do any act or exert influence in relation to the functions or business of the Board.

The offering of a bribe and the acceptance of a bribe are both offences under the Criminal Justice (Corruption Offences) Act 2018.

### **3. Small and Medium Enterprise (SME) Legislation**

The European Union (Award of Public Authority Contracts) Regulations 2016 (the 2016 Regulations) sets out measures that contracting authorities are required to take to make it easier for businesses and in particular SMEs to tender for Public Sector procurement contracts. Measures specifically designed to improve access for SME's and start-ups include:

- the financial capacity criterion is generally limited to twice the contract value
- electronic methods of communication are mandated in parts of the tender process
- the introduction of the European Single Procurement Document (ESPD), a self-declaration form aimed at reducing red tape for suppliers
- discretion to divide public contracts into lots, with the proviso that opting not to divide a contract into lots must be explained in the procurement documents or the report on the procurement process
- provision for “consortia bidding” may assist SMEs to participate in procurement procedures where they would not have the relevant capability or scale if they were to bid as sole tenderers.
- explicit provision for pre-market discussion with suppliers and independent experts, subject to safeguards against distorting competition or violating transparency and non-discrimination principles
- reduction in the time limits for receipt of tenders by approximately 30% compared to the position under the 2006 Regulations
- Member States required to report back to the Commission every 3 years on SME participation in public procurement.

### **4. Environmental, Social & Labour Provisions**

The 2016 Regulations require tenderers to comply with applicable obligations in the fields of environmental, social and labour law that apply where the works are carried out or the services provided have been established by EU law, national law, collective agreements or international, environmental social and labour law.

An Bord Pleanála will ensure that tenderers have regard to statutory provisions relating to minimum pay, legally binding industrial or sectoral agreements and relevant health and safety issues. An appropriate reference to the need for compliance with such provisions should be included in tender documents.

Where appropriate, An Bord Pleanála will promote environmental measures in public procurement projects. Areas most suitable for inclusion of environmental measures include, energy; food and catering services; cleaning products and services; paper; textiles; information and communications technology.

Comprehensive Guidance on the use of environmental clauses can be found in [Appendix 2](#).

## 5. Roles & Responsibilities

### **Procurement Officer**

- Provide advice and direction on procurement matters to An Bord Pleanála.
- Lead procurement of goods and services of significant scale including preparation of tender documents, utilising sound sustainable procurement practices, while adhering to ABP and national procurement policies and legislation prior to issuing the public tender.
- Provide assistance to business units in their preparation of specifications/ requirements for requests for quotations, tenders or proposals.
- Work with legal or other external procurement consultants to ensure compliance with existing and new regulations.
- Attend and preside over public openings of Tenders, Proposals and Quotations.
- Organise and facilitate assessment panels including preparation of template assessment sheets and other documentation.
- Conduct analysis of all bids received in response to Tenders and prepare summary reports where required for assessment panels to aid decision making consistent with An Bord Pleanála's procurement policy.
- Provide feedback and debriefing sessions, when requested, with unsuccessful respondents.

- Prepare contracts and tender awards for the successful bidder and ensure recording in An Bord Pleanála's procurement register.
- Monitor Corporate Procurement Plan to ensure timely activation of procurements as required.
- Contribute to the updating and development of procurement policy, guidelines and corporate procurement plan in line with national policy and legislation.
- Prepare procurement reports, as required to the Management Committee and Board to demonstrate compliance with the Code of Practice of State Bodies.
- Work with the C&AG and Internal Audit function in relation to any audit of procurement in the annual or other audits.
- Participate in specialised projects and assignments related to procurement, as required.
- Identify opportunities for sharing of services or utilisation of frameworks or other license agreements within the public sector to generate greater consistency and efficiencies in the procurement process.

#### **Management Committee Member**

- Identify procurements for addition to the annual Corporate Procurement Plan.
- Allocate budgets for goods/services requiring procurement.
- Liaise with Procurement Officer on methods of procurement.
- Prepare specifications for requests for quotations, tenders and proposals.

#### **Board**

- Approval / Amendment of Public Procurement Policy and Guidelines.
- Approval of annual Corporate Procurement Plan.
- Approval of use of methods other than competitive tendering for supply of goods/services beyond a certain threshold (currently €5,000).
- Approval of issue of invitation to tender for any major item of goods/services for any likely expenditure over €50,001 in relation to any such item which was not already approved in the Corporate Procurement Plan.



- Approval of acceptance of tenders/signing of contracts for goods/services beyond a value of €50,000.
- Approval of disposal of assets with a value greater than €10,000.

## 6. Contracts Register

The Procurement Officer will open and maintain a register of all tenders for public procurement.

## 7. Reporting

An annual Corporate Procurement Plan is prepared by the Procurement Officer for approval by the Board.

Regular updates on procurement are provided to the Board by Management as part of the monthly Management Report.

The Chairperson affirms adherence to the relevant procurement policy and procedures and the development and implementation of the Corporate Procurement Plan in the annual comprehensive report to the Minister.

The Chairperson confirms that An Bord Pleanála is in compliance with current procurement rules and guidelines as set out by the OGP in the annual Statement on the System of Internal Controls.

## 8. Extensions of Contracts

Contracts may be awarded for periods of generally up to **three years**. Contracts which are renewed on a regular/periodic basis, for example, maintenance, cleaning, consultants etc. may, in the interests of continuity and efficiency, be extended for another year subject to the appropriate written approval:

EXTENSION TO CONTRACT APPROVAL		
Contracts	Approval	Method
€0 to €215K	Management grades at or above Senior Administrative Officer / Assistant Director of Planning	Submit Memo with reason for extension
Greater than €215K	Board	Submit Paper to the Board with reason for extension

Options to extend the contract must be stated clearly at the time of tendering. Price increases may be permitted but the agreed mechanism for such increases, (e.g. annual inflation rate) must be stated in the tender and incorporated in the contract at the time of signing the contract.

## 9. Central Contracts & Framework Agreements

In accordance with Circular 16/13 “Revision of arrangements concerning the use of Central Contracts” issued by the Department of Public Expenditure and Reform on 28<sup>th</sup> September 2013, it is Government policy that public bodies, where possible, should make use of all such central arrangements. An Bord Pleanála, as a public body is mandatorily required to utilise central contracts and framework agreements, put in place by the OGP when procuring a range of commonly acquired goods and services.

A Framework Agreement is an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity. The most appropriate use of a Framework Agreement is where there is a repeated requirement for goods or services but the exact quantities are unknown.

Contracts awarded under the Framework Agreement may have a completion date after the end of the term of the framework.

Framework Agreements can also be used for procurements under the EU Thresholds.

In utilizing the central contracts put in place by the OGP, there is generally two main options:

### **Option 1 – Direct Draw Down**

Awards can be made directly without re-opening a competition amongst the framework members using the method set out in the framework agreement.

### **Option 2 – Mini-Competition**

Awards are made based on a further competition inviting all framework members on the framework to participate (a mini-competition). A supplementary request for tender is prepared and issued to the framework members setting out specific requirements, time limits and using the award criteria specified in the framework agreement documents. This may be issued to framework members directly or via the OGP support service.

## **10. Electronic Procurement**

The long-term vision of European public procurement reform envisages an eProcurement environment. The 2016 Regulations make the use of eProcurement in all procedures mandatory on a phased basis as follows:

- electronic notification and electronic access to tender documents is currently mandatory
- since April 2017, electronic submission of tenders and requests to participate is mandatory for central purchasing bodies
- by April 2018, the ESPD must be provided exclusively in electronic form
- by October 2018, electronic submission of tenders and requests to participate will become mandatory

## **11. ICT Procurement**

The Department of Public Expenditure and Reform (DPER) Circular 14/2021, in respect of arrangements for digital and ICT related expenditure in the Civil & Public Service applies to ICT purchases by An Bord Pleanála.

The main principle of the circular is that prior specific approval of DPER is required annually for all new ICT-related expenditure or new ICT-related initiatives which may give rise to expenditure of €25,000 or greater. Requests for approval must be submitted prior to commencing a procurement exercise or otherwise committing applicable expenditure.

## 12. Exclusions

It is a basic principle of public procurement that a competitive process should be used unless there are justifiably exceptional circumstances for not doing so. In exceptional circumstances, the requirement to advertise a tender in excess of €50k and below EU threshold need not apply. In cases where it is proposed not to use a competitive tendering procedure, the approval of the Board must be obtained.

The circumstances under which exclusions apply, are

1. A situation of extreme urgency, where, for example, due to failure of an ICT component or a systems crash, parts require to be replaced immediately to restore the ICT System. Where this arises and the cost of the purchase is greater than the figure of €50,000 as referred to, a report should be sent to the Chief Officer within a week outlining the nature of the situation, the emergency action taken and the costs involved.
2. The engagement of consultants under section 120(2) or 124 of the Planning and Development Act so long as the Board considers that it is not in the public interest to tender for such services and/or the engagement of the consultants concerned is made in a non-discriminatory manner.
3. Where no tenders or no suitable tenderer has been submitted in response to an open/restricted procedure, provided that the initial conditions of contract are not substantially altered.
4. The engagement of the Institute of Public Administration to provide specialist public sector training and consultancy services to An Bord Pleanála where the cost of the contract does not exceed €50,000 (excluding VAT). In such cases the expenditure should be approved by the Chief Officer.

In relation to contracts above €25k (ex of VAT) awarded without a competitive process, an Annual Report signed by the Accounting Officer must be sent to the Comptroller and Auditor General and to the Minister explaining why a competitive process was not used. A copy of the Annual Report should also be sent to the Policy Unit of the OGP email [returns@ogp.gov.ie](mailto:returns@ogp.gov.ie)

Department of Finance Circular 40/02 refers.

### 13. Cost Overruns

All projects/contracts should be carefully monitored and managed by the Management Committee member to ensure that the works or services are carried out within specification, time and costs limits. Where appropriate, An Bord Pleanála may appoint a project manager to oversee a project. Where a cost overrun is foreseen or has occurred, the Chief Officer should be informed in writing as soon as possible. All care should be taken to avoid cost overruns.

### 14. Contract Modification

Contracts may need to be modified during their lifetime if the circumstances affecting project implementation have changed since the initial contract was signed. Note that a substantial modification of the provisions of a contract during its lifetime will be considered a new award for the purposes of the 2016 Regulations and will require a new procurement procedure. A substantial modification is where the modification renders the contract materially different in character from the contract initially concluded. One or more of the following conditions must be met for a modification to be considered substantial:

- the modification introduces conditions which, had they been part of the initial procurement procedure, would have allowed for the admission of other candidates than those initially selected, or allowed for the acceptance of a tender other than that originally accepted, or attracted additional participants in the procurement procedure,
- the modification changes the economic balance of the contract in favour of the contractor in a manner which was not provided for in the initial contract,
- the modification extends the scope of the contract considerably,
- a new contractor replaces the one initially awarded the contract in cases other than a review clause or universal or partial succession following corporate restructuring.

The 2016 Regulations sets out the following modifications which are specifically permitted during the life of a contract without a new procurement procedure. In these instances, any non-substantial modification to a contract should be approved by the Board, following legal advice if necessary, and should be formalised through an addendum to the contract.

- Where the modifications, irrespective of their monetary value, have been provided for in the initial procurement documents by way of clear, precise and unequivocal review clauses, which may include price revision clauses or options. A review clause should state the scope and nature of possible modifications or options as well as the conditions under which they may be used and should not provide for modifications or options that would alter the overall nature of the contract.
- Where additional works, services or supplies by the original contractor, irrespective of their value, have become necessary and were not included in the initial procurement and where a change of contractor (i) cannot be made for economic or technical reasons, including requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, and (ii) would cause significant inconvenience or substantial duplication of costs. Any modification shall not exceed 50% of the value of the original contract price and where several successive modifications are made that limitation shall apply to the value of each modification and consecutive modifications shall not have the aim of circumventing the European Union (Award of Public Authority Contracts) Regulations 2016. A contract modification notice should be published in the OJEU not later than 30 days after the modification took place.
- Circumstances have arisen which could not have been foreseen and the modification itself does not affect the overall nature of the contract. Any modification shall not exceed 50% of the value of the original contract price and where several successive modifications are made that limitation shall apply to the value of each modification and consecutive modifications shall not have the aim of circumventing the European Union (Award of Public Authority Contracts) Regulations 2016. A contract modification notice should be published in the OJEU not later than 30 days after the modification took place.
- Where there is a change of contractor on foot of an unequivocal review clause.
- A new contractor replaces the original contractor following a corporate restructuring such as a takeover, merger, acquisition or insolvency and providing the new contractor fulfils the criteria for qualitative selection initially established and where this does not entail any other substantial modification to the contract.
- Where the modifications, irrespective of their value, are not substantial.
- Where the value of the modifications does not exceed the relevant European Union thresholds and does not exceed 10% (services/supplies) or 15% (works) of the initial contract value.

## Procurement Guidelines

### 1. Pre-Tendering Phase

The table below sets out the steps to be taken at the Pre-Tendering Phase.

Steps in Pre-Tendering Phase		
Steps	Description	Person Responsible
<b>Identify Need</b>	Establish whether there is a business need for the goods or services. The procurement should be essential for the conduct of normal business or to improve performance.	Management Committee Member
<b>Notify Procurement Officer</b>	All procurement should be notified to the Procurement Officer who will assist with the procurement process for procuring goods or services.	Management Committee Member
<b>Contact the Office of Government Procurement</b>	Check if the Office of Government Procurement has existing or planned procurement arrangements which may meet the needs for the goods or services. If such an arrangement does exist but is not being used on this occasion, document the reasons why. The OGP is also available to provide procedural advice and administrative assistance with any procurement process. Email: <a href="mailto:support@ogp.gov.ie">support@ogp.gov.ie</a>	Procurement Officer
<b>Timeline</b>	Ensure that there is an adequate amount of time in the procurement programme to take account of the nature of the specification and the complexity of the contract when fixing a time scale for the procurement process.	Management Committee Member

<p><b>Estimate Cost</b></p>	<p>A realistic estimate of the value of the goods or services to be procured is essential. The value of the contract will determine the applicable procurement procedure; the entire term of the contract must be included in the value including any extensions to contract.</p> <p>Contracts without a fixed term should generally be valued on the basis of <b>four years</b> anticipated supply.</p> <p><b>Important:</b> No project or purchase should be artificially split or sub-divided to prevent coming within the scope of the National Guidelines or EU Directives. Where a project or purchase involves separate lots, the value of all lots must be included in estimating the value of the contract.</p>	<p>Management Committee Member</p>
<p><b>Procurement Procedure</b></p>	<p>Choose the relevant procedure. For contracts below threshold, follow procedures for Below Threshold Tendering at section 2 below. For contracts above the relevant EU financial threshold, the European Union (Award of Public Authority Contracts) Regulations 2016 apply, follow procedures at section 3 below.</p>	<p>Procurement Officer</p>
<p><b>Budget Approval</b></p>	<p>Establish whether funds are available to meet the purchase and assure that all necessary budgetary and procurement process approvals are sought in adequate time.</p> <p><b>See Budgetary and Procurement Process Approval at the end of this table</b></p>	<p>Management Committee Member</p>



<b>Templates</b>	Ensure that the correct template tender documentation is used. Standard Template RFTs for Goods and Services are available to download on the Office of Government Procurement website at <a href="http://www.ogp.gov.ie">www.ogp.gov.ie</a>	Procurement Officer
<b>Specification</b>	Prepare specifications of requirements for the particular goods or service. Ensure that it is clear and comprehensive and not discriminatory.	Management Committee Member
<b>Documentation</b>	Prepare the tender documentation, setting out Selection Criteria and Award Criteria and ensuring compliance with procurement rules. Carefully check all documents for completeness, accuracy and consistency prior to issuing.	Procurement Officer
<b>Support and Advice</b>	Throughout the procurement process, liaise with the Management Committee Member and/or with the OGP where goods/services are being procured centrally.	Procurement Officer

### BUDGETARY AND PROCUREMENT PROCESS APPROVAL

<b>Contracts</b>	<b>Approval</b>	<b>Method</b>
€0 to €50,000	Senior Administrative Officer / Assistant Director of Planning	Submit Memo
> €50,000	Board	Submit Paper to the Board with procurement process

## 2. Below Threshold Tendering

Below Threshold Tendering is for contracts or purchases below EU threshold\* values. The 2016 Regulations do **not** apply and the following less formal procedure should apply.

Follow the Pre-Tendering Phase set out in the table at 1 above.

STEPS IN BELOW THRESHOLD TENDERS FOR GOODS & SERVICES		
LESS THAN €5k (ex VAT)	€5k - €50k (ex VAT)	€50k (ex VAT) – EU Thresholds*
<ul style="list-style-type: none"> <li>Obtain verbal/email quotes from one or more competitive suppliers (best practice is to seek a minimum of 3 quotes confirmed by email)</li> <li>Select the lowest price/most suitable</li> <li>Seek approval of award of contract (see levels of approval table below)</li> <li>Keep records for audit purposes</li> </ul>	<ul style="list-style-type: none"> <li>Send brief specification by email to at least 3 suppliers seeking emailed quotes</li> <li>Consider using Quick Quotes facility on eTenders</li> <li>Evaluate offers objectively against specified requirements using scoring sheet</li> <li>Select most suitable offer</li> <li>Seek approval of award of contract (see levels of approval table below)</li> <li>Notify all tenderers on the award of contract</li> <li>Keep records for audit purposes</li> </ul>	<ul style="list-style-type: none"> <li>Use Formal Process</li> <li>Prepare tender document using Open Procedure</li> <li>Set basis for award (MEAT)</li> <li>Agree weighting for award criteria</li> <li>Advertise on eTenders website using Open Procedure <a href="http://www.etenders.gov.ie">www.etenders.gov.ie</a></li> <li>Evaluate Tenders using weighted criteria sheet Tender evaluation should be carried out by a team with requisite competency.</li> <li>Select highest scoring tender</li> <li>Seek approval of award of contract (see levels of approval table below)</li> <li>Notify all tenders of award of contract</li> <li>Keep records for audit purposes</li> </ul>

### Time Limits

There are no prescribed time limits in relation to below threshold procedures, however, sufficient time must be permitted for preparation and submission to tenders to allow competition and SMEs to participate in the process. As a general rule, it is recommended that **a minimum of 21 days** be allowed for receipt of tenders where a more formal process is used.

\* EU Thresholds are updated every two years. Full and up to date EU thresholds can be checked on the EU Public Procurement website [www.simap.europa.eu](http://www.simap.europa.eu)

### Approval of Award of Contract

Seek formal approval of award of contract. See approval levels in the table below:

APPROVAL OF AWARD OF CONTRACT REQUIREMENTS			
Value of Contract	Lowest Tender Accepted	Lowest Tender Not Accepted	Method
€0 - €215k	Management grades at or above Senior Administrative Officer/Assistant Director of Planner	Chief Officer	Submit Email /Memo
Greater than €215k	Board	Board	Submit Paper to the Board with procurement report

### 3. Above Threshold Tendering – EU Rules

The procurement of goods and services contracts with estimated values equal to or above EU thresholds\* requires the full application of the public procurement rules set out in the 2016 Regulations. Contracts with estimated values equal to or above EU thresholds must be advertised in the OJEU (Official Journal of the European Union) which is accessed via eTenders website [www.etenders.ie](http://www.etenders.ie)

\*Full and up to date EU thresholds and Directives can be checked on the EU Public Procurement website [www.simap.europa.eu](http://www.simap.europa.eu)

<b>STEPS IN ABOVE EU THRESHOLD TENDERS FOR GOODS &amp; SERVICES</b>		
<b>Steps</b>	<b>Description</b>	<b>Person Responsible</b>
<b>Follow the Pre-Tendering Phase</b>	As set out in the table at 1 above.	Management Committee Member
<b>Contact Office of Government Procurement (OGP)</b>	Check if the Office of Government Procurement has existing or planned procurement arrangements which may meet the needs for the goods or services. If such an arrangement does exist but is not being used on this occasion, document the reasons why.	Procurement Officer
<b>Choose the type of award procedure</b>	There are six award procedures as follows: 1. Open Procedure 2. Restricted Procedure 3. Competitive Procedure with Negotiation 4. Competitive Dialogue 5. Innovative Partnership 6. Negotiated Procedure without Prior Publication	Procurement Officer
<b>Process tender in accordance with chosen award procedure</b>	Follow procurement procedures outlined in the European Union (Award of Public Authority Contracts) Regulations 2016 and <a href="#">DPER Public Procurement Guidelines for Goods &amp; Services January 2019</a>	Procurement Officer

## Disposal of Assets

Sections 8.34 to 8.43 of the Code of Practice for the Governance of State Bodies 2016 sets out the provisions for the Disposal of State Assets and Access to Assets by Third Parties.

### **Disposal of Assets to Board Members, Employees or their families**

Section 8.40 of the Code of Practice for the Governance of State Bodies provides that disposal of assets to Board members, employees or their families or connected persons should, as with all disposals be at a fair market-related price. A record of all such disposals to such persons (to include details of the asset disposed of, price paid and name of buyer) should be noted in the register kept for this purpose (minor disposals below €5,000, may be omitted from the register).

The Code further outlines the procedures to be followed where the disposal price of an asset is €150,000 or more. An Bord Pleanála will comply with the procedures should this asset disposal situation ever arise.

### **Request for Authorisation of Fixed Asset Disposal**

Staff members should complete the Fixed Assets Disposal-Authorisation Form when making a request for authorisation to dispose of a fixed asset of any value.

Fixed Assets Disposal-Authorisation Form is attached at [Appendix 1](#).

## APPENDIX 1 - Fixed Assets Disposal – Authorisation Form

An Bord Pleanála Fixed Assets Disposal - Authorisation Form	
Fixed Asset Number	
Asset Type: IT Hardware/Office Equipment (Delete as appropriate)	
Asset Description (i.e. Hard drive, Monitor etc.)	
Serial Number	
Asset Location	
Date of Purchase	
Purchase Value	
Current Value	
Reason for Disposal	
Profit on Disposal	
Method of Disposal: Destroyed/ Sold/ Recycled	
<b>REQUEST FOR DISPOSAL OF THE ABOVE ITEM</b>	
SIGNED:	DATE:
<b>DISPOSAL OF ITEM AUTHORISED</b>	
SIGNED:	DATE:

Director of Corporate Affairs/ Chief Officer/ Board Member	
<b>FOR FINANCE USE ONLY – SEO OR HIGHER</b>	
DISPOSAL ENTERED ON REGISTER	
SIGNED:	DATE:

## APPENDIX 2 – Key Reference Documents

European Legislation	Implementation in Ireland
<p><b>Public Procurement</b></p> <p>Directive 2014/24/EU of 26 February 2014 on public procurement and repealing Directive 2004/18/EC</p>	<p>S.I. No. 284/2016 – European Union (Award of Public Authority Contracts) Regulations 2016</p>
<p><b>Concessions</b></p> <p>Directive 2014/23/EU of 26 February 2014 on the award of concession contracts</p>	<p>S.I. No. 326/2017 – European Union (Award of Concession Contracts) (Review Procedures) Regulations 2017</p>
<p><b>Electronic Invoicing</b></p> <p>Directive 2014/55/EU of 16 April 2014 on electronic invoicing in public procurement</p>	
<p><b>Remedies Directive</b></p> <p>Directive 89/665/EEC of 21 December 1989 Review procedures to the award of public supply contracts</p>	<p>S.I. No. 192/2015 – European Communities (Public Authorities Contracts) (Review Procedures) (Amendment) Regulations 2015</p>
<p><b>Amendment to Remedies Directive</b></p> <p>2007/66/EC of 11 December 2007 amending Council Directive 89/665/EEC with regard to improving the effectiveness of review procedures</p>	<p>S.I. No. 130/2010 – European Communities (Public Authorities Contracts) (Review Procedures) Regulation 2010</p>



<b>Key Circulars for Goods and Services</b>	
DPER Circular 13/2013	The Public Spending Code
DPER Circular 16/2013	Use of central contracts by the National Procurement Service
DPER Circular 05/2013	Procurement of Legal Services and Managing Legal Costs
DPER circular 20/2019	Promoting the use of Environmental and Social Considerations in Public Procurement
DPER Circular 14/2021	Digital & ICT related initiatives in the Civil & Public Service
DPER Circular 05/2023	Initiatives to assist SMEs in Public Procurement

<b>Key Guidance</b>
Code of Practice for the Governance of State Bodies – 2016
DPER Public Procurement Guidelines for Goods and Services 2023
Green Procurement – Guidance for the Public Sector (EPA) – 2021
Green Tenders – An Action Plan on Green Public Procurement
Buying Green Handbook
The Public Spending Code
Freedom of Information Model Publication Scheme