

PUBLIC PROCUREMENT PROCEDURES

1 PURPOSE

- 1.1 In order to ensure that procurement within the National Transport Authority (NTA) is carried out in line with best practice, in a manner consistent with EU and National Procurement Law and in compliance with procurement reform policy objectives set out in the National Procurement Policy Framework the following procedures must be adhered to by all staff and consultants of the NTA.

2 SCOPE

- 2.1 These procedures apply to all NTA personnel involved in any Procurement Process for the acquisition of goods or services.

3 THRESHOLDS

- 3.1 The thresholds set out in Table 1 below shall apply when selecting the appropriate Procurement Process and relate to the contract value assuming all drawdowns and extension options are exercised.

Anticipated Contract Value Range	Procedure
€150 to €4,999	One or more written quotes from competitive suppliers required.
€5,000 to €49,999	Three or more written quotes or tender submissions from competitive suppliers required.
€50,000 to €215,000	Formal tendering process advertised on eTenders only required.
Greater than €215,000	Formal tendering process advertised on eTenders and linked to OJEU required.

Table 1 – Internal Thresholds

- 3.2 The thresholds set out in Table 2 below shall apply when selecting the appropriate procedure and relate to the contract value assuming all drawdowns and extension options are exercised.

Note: The thresholds set out in Table 2 shall apply to a procedure being conducted under the Public Sector Regulations. For those being conducted under either the Utilities Regulations or Concessions Regulations, the thresholds stated on [OGP website](#) shall apply.

4 PROCEDURE

The procedures set out in this Section 4 shall apply to each Procurement Process insofar as the relevant procedure forms part of and is applicable to the Procurement Process.

4.1 Award Criteria Price Weighting

The award criteria relating to a Procurement Process should contain a Quality weighting of no more than 60% and a Price weighting of no less than 40% save for exceptional circumstances, whereby robust rationale must be provided for review and approval of the allocated Procurement Manager.

4.2 Tender Approval

Prior to the commencement of the Procurement Process, the Procurement Owner shall present a completed Tender Approval Form (excluding approval of procurement and Director of Finance and Corporate Affairs) to the NTA procurement department to initiate the process.

The Tender Approval Form shall include as a minimum the following information:

- Procurement Title;
- Relevant procedure;
- Procurement owner;
- Contract Manager;
- Relevant NTA Directorate;

- Award Criteria Weighting;
- Estimated contract value;
- Maximum Contract Value;
- Contract duration;
- Applicable regulations; and
- Evaluation team members.

Additionally, a fully completed business case, cost benefit analysis and/ or project appraisal (where applicable) shall be provided along with the Tender Approval Form prior a Procurement Process being conducted whereby the relevant project exceeds the Public Spending Code thresholds.

4.3 Publication/ contract notice

The NTA procurement department shall publish a contract notice on the eTenders and OJEU (where applicable) websites.

4.4 Time Limits

The time limits set out in Table 2 below shall apply when setting the deadline for submission for the relevant Procurement Process.

Procedure	Minimum time limit for the deadline for receipt of submissions
Written Quotes and tender submissions requested directly	Dependent on the subject matter and the degree of information required.
Formal Non OJEU Procurement Process	Should be no less than 16 days and in any event shall be no less than 10 days
Formal OJEU Procurement Process	Shall be no less than 30 days from the date of publication of the OJEU contract notice.

4.5 Clarifications

Subsequent to a Procurement Process being initiated, clarifications received from interested parties shall be submitted to the NTA procurement department and by electronic means only. Queries received and NTA responses shall be circulated to all interested parties via eTenders, insofar as they are not deemed to be confidential in nature. Responses to clarifications should be circulated no less than six days prior to the deadline for receipt of tenders and in any event should the responses issued contain additional information to that provided in the tender documents.

The deadline for submission of clarification requests by interested parties shall be no less than seven days prior to the deadline for receipt of tenders, save for a Non OJEU Procurement Process.

4.6 Opening of Tender Submissions

For each Procurement Process being conducted via eTenders, at least two members of the NTA procurement department shall be responsible for the opening of tender submissions.

4.7 Tender Compliance Check and Post Tender Clarifications

An initial compliance check shall be completed by a member of the NTA procurement department ensuring inclusion of and compliant completion of the Form of Tender, Article 57 Statement, Appendix I Pricing Submission and any other documentation applicable to the relevant Procurement Process.

4.8 Evaluation and Price Scoring of Tender Submissions

Tender submissions (or part thereof) shall be circulated by a member of the NTA procurement department to evaluation team members along with a blank template evaluation report. "*Conduct of the Evaluation Process*" should be circulated to evaluation team members where appropriate. A consensus meeting should be arranged allowing evaluation team members sufficient time to evaluate tender submissions. Evaluation team members shall complete their own evaluation of the tender submission (or the relevant criteria/ criterion) in preparation of the consensus meeting.

The price score element of the award criteria shall be calculated by a member of the NTA procurement department. The price score awarded to tender submissions should not be disclosed until the evaluation of the

quality criteria is completed, except in circumstances whereby the prices proposed relate to the quality submission.

The final scoring should be calculated to one decimal point.

4.9 Regulation 84 report

Subsequent to the completion of the evaluation process, a member of the NTA procurement department shall conclude a Regulation 84 report which shall include as a minimum the following information:

- Overview (*Name, Address, Tender Title/ Subject Matter, Estimated Value, Tender Reference*);
- Preparation (*details drafting, input and review personnel*);
- Tender Description (*overview of the goods/ services required*);
- Request for Tender (*dates and relevant deadlines*);
- Requests for further information (*clarification request received and responded to*);
- Receipt of Tenders (*list of tender submissions received*);
- Tender Compliance Check (*outcome of tender compliance check and post tender clarifications*);
- Members of Assessment Board (*evaluation team members*);
- Assessment (*high level assessment board meeting minutes*);
- Presentations (*details of presentations held*);
- Assessment Outcome (*preferred tenderer and overall score*); and
- Contract value (*total tender fee of the preferred bidder over the maximum duration of the contract*).

4.10 Appointment recommendation

Prior to notification of the outcome of the Procurement Process, the appointment recommendation should be signed by the following:

- Procurement Officer,
- Procurement Manager,
- Relevant NTA Director,
- Director of Finance and Corporate Affairs; and
- CEO.

The appointment recommendation shall include, as a minimum, the following information:

- Contract Title;
- NTA Tender Reference;
- Contract Duration;
- Estimated Total contract Value; and
- Confirmation that all procurement guidelines have been adhered to.

4.11 NTA Board Approval

The approval of the award of certain contracts shall be a matter for decision of the NTA board. A summary of the Procurement Process shall be drafted and included as an NTA board agenda item seeking approval to award.

Contracts and single party framework agreements will be a matter for decision of the NTA board for approval in advance of execution by the CEO regardless of the value of the contract which relate to the following services:
- Internal Audit Services.

Contracts and single party framework agreements will be a matter for decision of the NTA board for approval in advance of execution by the CEO where they are in excess of €1.0 million and relate to the following services:
- Legal Services, Public Relations and/or Marketing Services, Risk Management Services, Pension Advisory Services and Insurance Broker Services.

Contracts and single party framework agreements shall be a matter for decision of the NTA board, include those tendered from previously approved frameworks, in excess of €5.0 million (excluding VAT) and in excess of €10.0 million (excluding VAT) in the case of works contracts.

Contracts and single party framework agreements notified to the NTA board as part of the monthly NTA board information pack, include those tendered from previously approved frameworks, between €2.0 and €5.0 million (excluding VAT) and between €5.0 and €10.0 million (excluding VAT) in the case of works contracts.

Other such requirements that shall be adhered to relating to NTA Board Approval are stated in the [Matters Reserved for the Board](#), including but limited to Extension of Contracts and PPP Contracts.

4.12 Standstill Letters

Subsequent to the Procurement Process and receipt of all relevant approvals, a Letter of Intent shall be issued to the successful tenderer and shall include notification of the successful tenderer having submitted the most economically advantageous tender and of the intention to put a contract in place on expiry of the Standstill Period. The Standstill Period shall apply to each Above Threshold Procurement Process. The Standstill Period should apply to each Non OJEU Procurement Process also, save where robust rationale is provided to not do so and for those advertised via mini competition.

Subsequent to the Procurement Process and receipt of all relevant approvals, an Unsuccessful Letter shall be issued to each tenderer who has been unsuccessful in the Procurement Process and shall include as a minimum the following information:

- Date of expiry of the standstill (where applicable), this being no less than 16 days from the date of the letter;
- The name of the tenderer who was deemed to have submitted the most economically advantageous tender;
- Marks received, marks available and minimum marks required for the stage 1 evaluation criteria, should selection criteria form part of the Procurement Process;
- The reasons for the rejection of the tender at stage 1, should the minimum marks required not have been achieved;
Should the minimum marks be achieved at stage 1:
- Marks received, marks available and marks awarded to the successful tenderer for the stage 2 award criteria (including that of the price criterion);
- The reasons for the decision, this being the consensus feedback of the quality criteria collated by the assessment board; and
- The characteristics and relevant advantages for each of the quality criteria of the successful tenderer.

Both the Letter of Intent and Unsuccessful Letters shall be issued by electronic means.

4.13 Letter of Appointment

Subsequent to the expiry of the standstill period, a Letter of Appointment should be issued to the successful tenderer confirming appointment to provide the goods and/ or services and the relevant appointment date.

4.14 Contract Award Notice

The NTA procurement department shall publish a contract award notice on the eTenders and OJEU (where applicable) websites. The Contract Award Notice shall contain the name of the successful tenderer and the total tender fee, along the information included in the initial contract notice.

5 Miscellaneous

The procedures set out in this Section 5 will apply insofar as they are relevant.

5.1 Conflict of Interest

Any personnel involved in the Procurement Process should declare any potential Conflict of Interest as soon as they become aware that a conflict may exist and in any event no later than the time that the list of tenderers becomes available. All personnel are required to complete a Conflict of Interest Declaration prior to their receipt of tender submissions.

5.2 Sole Supplier

Where it is deemed that only one entity has the capability for the provision of goods and/ or services required by the NTA, the contract lead should contact the NTA procurement department for acquisition and completion of a sole supplier form. The completed sole supplier should be completed and approved by the NTA procurement department and the Director of Finance and Corporate Affairs prior to further supplier engagement.

5.3 Contract Extensions

Where the option exists to extend the duration of a contract, a contract extension form should be completed by the contract manager and approved by the NTA procurement department, Director of Finance and Corporate

Affairs and CEO prior to the extension being formally issued. The contract extension report shall include as a minimum the following information:

- Overview including contract title, supplier, reference, commencement date, duration, expiry date, extension period, extension notice period, contract manager, annual contract spend and estimated contract value;
- Contract description detailing the goods and/ or services provided;
- Justification for extending including quality of goods and/ or services provided, compliance with the terms of the contract, achievement of key target dates/ milestones, quality of resources provided and overall value for money provided;
- Recommendation.

5.4 Procurement Register

The Procurement Register shall be maintained by the NTA procurement department and shall include all relevant dates, contact details and stages of each Procurement Process initiated by the NTA procurement department.

5.5 Management Report

The NTA procurement department shall on a weekly basis notify the CEO, Directors, Heads of Departments and other relevant personnel of the status of all ongoing procurement competitions.

The weekly Management Report shall include as a minimum the following information:

- Decision items, including but not limited to contracts requiring extension;
- Expiring contracts detailing contracts due to expire and with no remaining extension clause;
- On-going procurements detailing the Procurement Process at contract conclusion stage and evaluation stage;
- Upcoming deadlines detailing submission deadlines for procurement competitions in progress;
- Procurements at drafting stage;
- Procurements at preparation stage.

5.6 Filing and Storage

For each Procurement Process soft copies of the following documents shall be maintained and shall for part of the procurement pack:

- Signed appointment recommendation;
- Signed summary scoring sheet;
- Evaluation report;
- Regulation 84 report;
- Tender compliance check;
- Record of tender opening;
- Tender documentation;
- Contract notice;
- Tender approval form;
- Final executed contract; and
- Contract award notice.

6 DEFINITIONS

6.1 Terms not defined in this document may be otherwise defined in the body of the document.

Above Threshold	means a formal tendering process advertised on eTenders and linked to OJEU;
eTenders	means the Irish public procurement portal which is a central facility for all public sector contracting authorities to advertise procurement opportunities and award notices;
Non OJEU	means a Procurement Process advertised on eTenders and not subject to EU Regulations;
OJEU	means the Official Journal of the European Union;
Procurement Process	means any procurement competition for the provision of goods and/ or services conducted by the NTA procurement department;
Public Sector Regulations	means the European Union (Award of Public Authority Contracts) Regulations 2016 (SI 284 of 2016), which implement Directive 2014/24/EU

Regulation 84	means Regulation 84 of the Public Sector Regulations relation to Reporting and Documentation Requirements;
Standstill Period	means the date no less than 16 days from the date of issue of the Letter of Intent and/ or Unsuccessful Letter(s);
Utilities Regulations	means the European Union (Award of Contracts by Utility Undertakings) Regulations 2016 (SI 286 of 2016), which implement Directive 2014/25/EU;

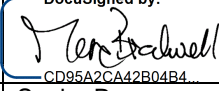
7 RELATED LEGISLATION AND DOCUMENTS

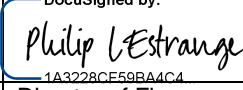
[European Union \(Award of Public Authority Contracts\) Regulations 2016 \(SI 284 of 2016\)](#)
[European Union \(Award of Contracts by Utility Undertakings\) Regulations 2016 \(SI 286 of 2016\)](#)
[Public Authority Contracts Remedies Regulations](#)
[Utility Undertakings Remedies Regulations](#)
[National Procurement Policy Framework](#)
[Public Spending Code](#)
[Code of Practice for the Governance of State Bodies](#)
[Tender Evaluation Requirements](#)
[Corporate Governance Documents - Policies and Procedures](#)

8 MINIMUM REVIEW PERIOD

The NTA Public Procurement Procedures shall be reviewed at minimum once per calendar year.

9 APPROVAL

Approval and Review	Details	Signature
Name	Mark Bradwell	
Mark	DocuSigned by:  <small>CD95A2CA42B04B4...</small>	Date: 29 March 2023 12:29:29 PM BST
Role and Job Title	Senior Procurement Manager	

Approval and Review	Details	Signature
Name	Philip L'Estrange	
Philip L'Estrange	DocuSigned by:  <small>1A3228CF59BA4C4</small>	Date: 04 April 2023 2:32:31 PM BST
Role and Job Title	Director of Finance and Corporate Affairs	

Revision History

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0.1	26/01/2021	Updated Draft	Mark Bradwell	Philip L'Estrange
0.2	08/02/2022	Updated Draft	Mark Bradwell	Philip L'Estrange
0.3	07/04/2022	Updated Draft	Mark Bradwell	Philip L'Estrange
0.4	22/06/2022	Updated Draft	Mark Bradwell	Philip L'Estrange
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