

Document Information

1. Document Details

Title:	Procurement Policy
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Status:	Final

Important Note: If the 'Status' of this document reads 'Draft', it has not been finalised and should not be relied upon.

2. Revision History

Version	Revision Date	Summary of Changes	Changes tracked?
1	Dec 2020	Creation of an MTU Procurement Policy	-
2	Jan 2021	Updated EU threshold limits ,minor corrections and change of reporting limits to match Finance Committee Terms of Reference,	Yes
3			

3. Relevant Existing/Related Documents

EU Directive 2014/24/EU, Commission Delegated Regulation (EU) 2021/1952
Circular 02/16 on ICT Expenditure
Circular 10/14 on Initiatives to assist SME's in Public Procurement

4. Consultation History

This document has been prepared in consultation with the following bodies:

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5. Approvals

This document requires following approvals (in order where applicable):

Name	Date	Details of Approval Required
Finance Committee	13/01/2021	Recommendation of Policy
Governing Body	03/02/2022	Approval of Policy

Procurement Policy

1. Basis for Policy

This policy is based on the National Public Procurement Policy Framework guidelines and EU Law as implemented in Statutory Instrument SI.329/06. It incorporates the EU Directive 2014/24. Commission Delegated Regulation (EU) 2021/1952 which provides the basis for EU threshold limits. Circulars 02/16 have particular relevance for ICT procurement and Circular 10/14 on Initiatives to assist SME's in Public Procurement.

2. Applicability of Policy

This policy shall apply to all non-pay and capital procurement in the University, including items procured under financing arrangements such as rental agreements. Its aim is to achieve the best Value for Money for the University through its procurement process. While price is a determining factor in Value for Money outcomes in procurement, it is not the only variable to be considered. There are other issues which should be considered i.e. goods fit for the purpose for which they were intended, delivery time, expertise of the personnel proposed, quality and the level of service from the supplier.

This policy shall apply to the following subsidiary entities: CIT Innovation Company Ltd, Cosmos Education Ltd.

3. Purchasing Procedures

The University shall have a set of Purchasing Procedures, which shall be based on current best practice in the public sector and shall implement the University's Procurement Policy. The Purchasing Procedures shall be approved by the President.

In the Cork Campus, procurement shall be processed through the University's Purchasing function in the respective offices on the Bishopstown Campus, Cork School of Music, Crawford College of Art & Design and the National Maritime College of Ireland in accordance with the University's Purchasing Procedures.

In the Kerry Campus, all tenders will be processed through the Office of the Vice President for Corporate Affairs and all other procurement is processed through the individual Departments.

The University shall only recognise a commitment on foot of a validly issued Purchase Order containing a Purchase Order Number, Description of the Goods or Services and the Amount of the commitment.

In the Cork Campus, where quotations are sought from suppliers, quotations should be in writing and appended to the requisition as a record of the process. In the Kerry Campus, quotations are filed by reference to the Purchase Order number.

Where quotations are sought from a number of suppliers, these quotations shall be sought at the same time with the same return/time and award criteria.

4. Compliance

Failure to comply with the Procurement Policy and Purchasing Procedures shall be notified to the relevant Vice President and in the case of serious non-compliance to the President. There is also specific reporting requirement to the Governing Body via the relevant sub-committee.

5. Approval and Modification of the Procurement Policy

Any modification to the Procurement Policy shall require the approval of the Governing Body.

Non-Pay Tenders

6. Tenders

Tenders for Goods, Services or Works shall be sought by the University in accordance with the limits set out in this policy. All tenders will be published on the Government E-Procurement website: www.etenders.gov.ie

All tenders are returned via the post box on the etenders portal. Tenders can only be accessed after the closing date and accessed under the terms agreed in advance. The University also reserves the right to accept postal tender submissions should it deem this necessary.

7. Evaluation of Tenders

Tenders will be evaluated on the basis of the Most Economically Advantageous Tender. The criteria used for evaluating tenders shall be included in the published tender documentation.

8. Confidentiality

The contents of a supplier's tender submission are confidential and, in no circumstances should details of one tender document be disclosed or discussed with another supplier. Tender submissions are subject to Freedom of Information requests and Data Protection.

9. Communication with Suppliers before closing date

Clarifications from suppliers requested before the closing date are published on the e-tenders website and retained on the tender file.

10. Communication with Suppliers after closing date

Any communications with suppliers in respect of the tender competition after the closing date and before contract award must be in writing and recorded on the tender file (e.g. where clarification of tender submitted is requested.)

11. Award of Tender Contracts

With regards to Tenders all successful and unsuccessful tenderers will be notified before the contract is awarded.

12. Sole Supplier

Where a supplier is designated as sole supplier the budget holder shall complete and sign Form P04 as provided for in the Purchasing Procedures.

13. Office of Government Procurement

The university will use national tender frameworks and other joint tenders as managed by the EPS/ Office of Government Procurement, where they are applicable to the University, provided they are in compliance with National and EU Procurement requirements.

Miscellaneous Provisions

14. Specific Sub Contractor Requirements

All sub-contractors engaged by the university to carry out services shall be required to forward insurance certificates, Safety Statement plus Risk Assessment and Method Statement (RAMS) and any tax reference number and/or other details as required by the Revenue Commissioners. This is managed by the Estates Office.

15. Sub-Contractor Legal Compliance

Sub-contractors shall comply with all legal and statutory requirements in relation to the provision of the services and the sub-contractor shall hold all licenses required by law for the provision of services.

16. Business Case

A Business Case (Form P03) as provided in the Purchasing Procedures must be completed, where exclusive of VAT. When calculating the cost this should include the purchase price, plus any installation, delivery charges, training, tied consumables to the same supplier and the ongoing maintenance over the life of the item.

Note: A Business Case Form is not required for re-tendering existing goods or services, where budget has already been assigned.

Requisition & Tender Limits

17. Requisition & Tender Limits

The following limits apply to the number of quotations to be sought, sending an item for tender and where the publishing of the tender need to be placed. All limits exclude VAT.

Full contract value of Procurement	EUR
One written quotation	Up to €5,000
Three written quotations	€5,000 to €25,000
Five written quotations required, for works only.	€25,000 to €50,000
Tender documentation advertised on www.etenders.gov.ie and Business Case submitted if applicable, (see par 18)	Over €25,000
European Journal (OJEU) Advertisement (see par 19)	Over €215,000

18. Applicability of Tender Limits

€25,000 refers to the total cost of ownership including the purchase price, delivery charges, installation, training, tied consumable cost and ongoing maintenance costs over the lifetime of the item being purchased. A Business Case must be completed for new budget requests. It is not required for the re-tendering of existing services, or where budget has been allocated.

19. EU Limits

EU notified limits per Directive 2014/24/EU as updated by Commission Delegated Regulation (EU) / 2021/1952 in place from 1/1/2022 to 31/12/2023 are €215,000 for services and supplies and €5,382,000 for works.

Reporting Requirements

20. Reporting Requirements

The Finance Committee of the Governing Body shall review a report on procurement containing the following information on a quarterly basis:

- List of all tenders awarded in excess of €200,000 for information purposes
- List of sole suppliers €25,000
- List of all procurement issues that were non-compliant in excess of 25,000 accompanied by an explanation of the issue

21. ICT Reporting Requirements

Circular IT 02/16 requires that all projected ICT expenditure should be compliant with the content of the circular and in particular a report on planned ICT expenditure for the year must be submitted by February each year along with actual ICT expenditure for the previous year to the Department of Public Expenditure and Reform.

22. Approval of Policy

This Procurement Policy was approved by the Governing Body on 3rd February 2022