

Enterprise Ireland

Procurement Policy

1. Procurement Policy Introduction

Public Procurement is the process under which public bodies, including Enterprise Ireland, make purchases from suppliers. These purchases may range from small routine purchases to large formal contracts. The public procurement rules seek to ensure that there is a level playing field for businesses competing for public contracts and promote the key principles of equal treatment, mutual recognition, proportionality and transparency in the awarding of public contracts.

The purpose of this policy is to provide clarity on the rules that govern each purchase made on behalf of Enterprise Ireland. A detailed procedures document has been developed separately to provide additional information on the required procedures and processes which must be followed when making purchases. The procedures document is currently under review.

This policy and the associated procedures apply to purchases made by Enterprise Ireland employees and to purchases made by third parties on behalf of Enterprise Ireland. It is the responsibility of each Department Manager within Enterprise Ireland to ensure that all purchases made within their Cost Centre comply with this Procurement policy and the associated procedures document and that the Procurement Team is consulted in advance of commencing any tender.

The Procurement Team supports Enterprise Ireland and various cross-functional teams in the management of procurement activities and provides detailed and specific advice on individual procurement requirements.

This document will be reviewed annually.

1.1 Policy Statement

Enterprise Ireland complies with the public procurement regime adhering to EU Directives, National Law and National Procurement Guidelines to use the most appropriate competitive tendering mechanism to ensure that procurement is carried out in an open, objective and transparent manner to achieve best quality and service and related value for money.

1.2 Policy Scope

This policy covers:

- all expenditure – excluding pay, staff expenses and financial supports to clients.
- the awarding of contracts for services, goods and works in Enterprise Ireland.
- any purchases made by third parties on behalf of Enterprise Ireland and paid directly by Enterprise Ireland.
- reimbursement to other agencies and Government Departments.

1.3 Procurement Objectives

All procurement within Enterprise Ireland is underpinned by key overarching objectives.

- To ensure that procurements within Enterprise Ireland are conducted in an open, objective and transparent manner to achieve best quality and service and related value for money.
- To ensure compliance with EU and National Law and National Procurement Guidelines.
- To promote the EU Treaty principles of equal treatment, mutual recognition, proportionality and transparency in the awarding of public contracts.
- To promote best practice procurement approaches within Enterprise Ireland.
- To promote efficiencies in Enterprise Ireland's purchasing processes where possible.

1.4 Contract Owner

The budget manager (typically the Department Manager) must nominate a contract owner for each purchase within their cost centre. The contract owner is responsible for procurement tasks as stipulated within the procurement process being conducted, day to day budget and payment management and ongoing management of the contract and associated agreements.

1.5 Procurement Thresholds

The following thresholds apply for all purchases in Enterprise Ireland. All thresholds stated below are exclusive of VAT.

Type of Purchase	Estimated Value of Contract ¹	Purchasing Process
Goods and Services (including Consultancy)	Up to €4,999 ²	One verbal quote confirmed in writing or one written quote. It is recommended that the purchaser contact at least two suppliers to ensure that value for money is achieved
	Between €5,000 and €24,999	Request for Quotation or RFQ. A minimum of three written quotations is required
	Between €25,000 and EU Threshold ³ €214,999	National Tendering Guidelines apply
	€215,000 +	EU Tendering Directives apply
Capital Works	Up to €5,000	One verbal quote confirmed in writing or one written quote. It is recommended that the purchaser contact at least two suppliers to ensure that value for money is achieved
	Up to €49,999	Request for Quotation or RFQ. A minimum of three written quotations is required
	Between €50,000 and €5,381,999	National Tendering Guidelines apply
	€5,382,000 +	EU Tendering Directives apply
Research Assessors Payments (Honoraria)	Agreed Rates	The current process for Honoraria payments is under review and this document will be updated when that review is Complete.

¹ All values specified in this table are exclusive of VAT

² National Public Procurement Policy Framework November 2019

³ The EU procurement thresholds are reviewed and revised every two years. The current thresholds are effective for purchases from 1st January 2022.

1.6 Approval Levels

The “Delegated Powers for Line Management – Finance Approvals” document has guidelines on the process to be followed before commencing a tender process for a new service.

The following approvals are required prior to the formal appointment of any supplier following the completion of a procurement process and prior to committing to any payments to suppliers that have not already been formally approved.

- a) the establishment of a Framework Agreement, a Panel or other procurement instrument
- b) the award of a contract
- c) the extension of a contract
- d) to raise a Purchase order

Value ⁴	Approval
up to €70,000 (inclusive of VAT)	Budget Manager/Department Manager
Values from €70,000 (inclusive of VAT) - €3,000,000	Finance Approval Delegated Powers Workflow
Values above €3,000,000	Enterprise Ireland Board

1.7 Segregation of Duties

The appropriate separation of duties is required in the tendering, purchase order and payment process.

1.8 Conflict of Interest

All staff involved in procurement in Enterprise Ireland must be fully aware of and comply with Enterprise Ireland’s Code of Conduct Policy and Acceptance of Gifts Policy. All staff involved in a procurement process must declare any conflict of interest or potential conflict of interest as soon as they become aware of any.

1.9 Procurement Support

All purchases over €25,000 must be advised to the Procurement Team and supported by a procurement executive.

1.10 Equal Treatment of Suppliers

Enterprise Ireland’s procurement policy is based on equality of treatment for all suppliers. Competitive tendering is a key principle in all of Enterprise Ireland’s procurements. All firms must be given the same information and must be given an equal amount of time to prepare and submit their responses as well as an adequate amount of time to respond to the request.

1.11 Right to Confidentiality

Subject to Enterprise Ireland’s obligations under law and, in particular, under Freedom of Information legislation and in recognition of commercially sensitive information that may have been

⁴ All values are exclusive of VAT unless otherwise stated

supplied, the full confidentiality of responses should be maintained pending evaluation and the award of contract.

1.12 Data Protection

Enterprise Ireland is registered as a data controller under the Data Protection Act.

1.13 Office of Government Procurement Framework Agreements

Enterprise Ireland will consider the Office of Government Procurement Framework Agreements that are available and utilise them in circumstances where the Framework Agreement can comprehensively meet Enterprise Ireland's full specification of requirements and use of the framework represents value for money to Enterprise Ireland.

1.14 Register of Approved Contracts

Enterprise Ireland maintains a central register of approved contracts and the suppliers that are approved to deliver services under these contracts. Contract Owners must ensure that all their contracts over €5,000 are listed on this central register of contracts.

1.15 Supplier Set Up

New suppliers should be set up using the process indicated in the new supplier form.

1.16 Sole/Single Supplier

If there is only one supplier of a particular item and it can be demonstrated that no alternative is available, a sole supplier contract may be put in place. Such contracts require approval of the procurement manager for spends more than €5,000 and the relevant authorisation and approvals as set by contract value and listed in the "Delegated Powers to Line Management – Finance Approvals" document

1.17 Exceptions and Exclusions from Public Procurement

The EU Directives set out some circumstances under which the Procurement Rules do not apply.

Within Enterprise Ireland there are several regular payment items which are not subject to the standard procurement rules e.g., Sponsorships, Honorariums, reimbursement to other agencies and government departments.

Sponsorship is paid based on an approved minute from the Group Events and Sponsorship Committee (GESC), no further procurement process is required.

Regardless of such exclusions, all payments must be approved at the appropriate level as outlined in the "Delegated Powers to Line Management – Finance Approvals" document

1.18 Non-Compliance

1.18.1 Code of Practice for the Governance of State Bodies 2016

Enterprise Ireland will report non-competitive procurement in the preceding year in the Chairperson's comprehensive report to the Minister.

1.18.2 Buyer

The buyer will report any incidences of non-compliance to the Procurement Manager.

1.19 Provision of Supplier References

Enterprise Ireland does not give supplier references or testimonials. However, if a supplier requests permission to include Enterprise Ireland as a reference contract in a public procurement competition, the contract owner may facilitate that request and complete the resulting reference check document issued by another contracting authority.

1.20 Modifications to Contracts

Any changes to contracts after they have been signed are strictly controlled within the EU Public Procurement Directives and cannot be considered unless the proposed modification fits exactly with the parameters outlined in those Directives.

1.21 Enterprise Ireland Terms and Conditions

All purchases in Enterprise Ireland are made under the Enterprise Ireland standard terms and conditions. In certain circumstances the use of supplier contracts and terms and conditions are appropriate. This will be confirmed as part of the tender process. Under no circumstances should a contract owner sign supplier contracts or supplier terms and conditions after the completion of a procurement process.

1.22 Contact Procurement and Purchasing

Procurement and purchasing should be contacted in situations where there are specific queries or there is uncertainty on any of the policies, guidelines, regulations or procedures relating to a purchase.

1.23 Training and access to relevant information

The procurement team commits to providing all necessary training and easy access to information for all staff involved in purchasing in Enterprise Ireland.