

Procurement Policy

Higher Education Authority

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Policy Statement

In accordance with the requirements of the Code of Practice for the Governance of State Bodies, the National Public Procurement Policy Framework and as per the guidance published by the OGP, the Higher Education Authority (HEA) as a publicly funded body is required to ensure it complies with relevant legislation, EU Directives/Regulations and government circulars and policy in relation to public procurement.

The HEA will seek to secure value for money when procuring goods and services. Procurement will be fair and transparent and there will be equal opportunity for suppliers to compete. The purchase of goods and services should be authorised in accordance with pre-determined approval limits.

The HEA's procurement policy aims to place control and responsibility as close to the point of need. This is underpinned by centrally provided procurement and accounts payable function which provide both advice and support to Section's procurement activities.

The HEA supports 'green' procurement and seeks to source goods and services with a reduced environmental impact. The HEA will continue to utilize OGP Frameworks which incorporate best practice in respect of green public procurement and review guidance published by the OGP and DPER.

All Staff involved in purchasing and procurement must adhere to this policy. The [HEA purchasing procedures](#) and [OGP guidelines](#) detail the steps required to carry out compliant procurement.

Central Frameworks

The Office of Government Procurement (OGP) is the central body for public procurement. The OGP has responsibility for procurement policy and procedures for the public sector. The OGP has put in place frameworks and contracts for common goods and services aimed at reducing the time and cost associated with procurement by offering facilities that have already been competitively and compliantly tendered. The HEA will, where possible, make use of such central arrangements unless there is justification for not doing so.

In addition, the HEA can use other central frameworks such as HEAnet (IT supplies and services), Higher Education Shared Services (HESS) and Education Procurement Services (EPS) as appropriate.

Conflicts of Interest

If a staff member involved in a procurement believes they may have a conflict of interest, they should notify their manager. Staff involved in the evaluation of tenders must sign a [No](#)

[Conflict Declaration](#) prior to the evaluation. A conflict of Interest includes any situation where a relevant 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 a procurement process. Staff should also have regard to the principles set out in the Framework for a [Code of Business Conduct](#) available on the staff intranet pages.

Procurement Thresholds

Threshold (exclusive of VAT)	Minimum Requirements
Less than €5k	Obtain a written quote from at least one supplier, confirmed by email.
€5k - €25k	Evidence of seeking at least three written quotes from suppliers confirmed by email.
€25k-€50k	Evidence of seeking at least three written quotes confirmed by email. Please note that the contract award notice needs to be published on e-tenders. The National threshold is still €25k.
€50k-€221k	A National tender needs to be published on www.tenders https://www.etenders.gov.ie/ .
Over €221k	An OJEU level tender should be published on https://www.etenders.gov.ie/ which is subsequently published on TED (The official Journal of the European Union Note EU threshold changes from time to time.

In limited circumstances procurement may be conducted without tendering. Advance approval of justification for not tendering must be obtained and a [sole supplier](#) form is available on the staff intranet should be completed.

Joint tendering

The HEA may engage in joint tendering with the other public bodies.

Procurement legislation/circulars

A full list of procurement related legislation, circulars and guidance is included on the [OGP Website](#). The key items relating to the HEA are as follows:

Legislation: The EU Procurement Directives were transposed into Irish Law in 2016 and 2017 under S.I. No. 284/2016 (the “2016 Regulations”);

- OGP guidance- Public Procurement Guidance for goods and services, version 2 2019.
- SMEs Circular 05/23 - Initiatives to Assist SMEs in Public Procurement
- GPP - Circular 20/2019 – Promoting the use of Environmental and Social Considerations within Public Procurement.
- Legal Services Circular 05/13: Procurement of Legal Services and Managing Legal Costs
- ICT Circular 14/2021 - Arrangements for Oversight of Digital and ICT-related Initiatives in the Civil and Public Service
- Consultancy Guidelines for the engagement of consultants and other external support by the civil service
- Construction Capital Works Management Framework

Corporate Procurement Plan

The Corporate Procurement Plan 2023-2026 is available [here](#).

Purchase Orders

A purchase order should be raised prior to making a purchase for all items with a few exceptions including utilities, HEA staff subscriptions/memberships to professional bodies and some regular ongoing expenses. Purchase Orders are raised and approved through the Financial Management System (FMS).

Contracts

Where a contract is required as part of procurement it must be signed by the relevant Section Head.

Procurement Officer

The HEA has a procurement officer in accordance with requirement of Department of Finance Circular 40/02. The procurement officer will:

- Maintain a contracts register to assist in forward planning and exercising appropriate internal control and arrange for the publication of relevant details where required.
- Keep a record of all documentation relating to procurements.
- Monitor compliance with this policy and related procedures.
- Provide advice, as and when required, to staff procuring goods and services to assist them in complying with procurement rules and share OGP communications with staff.
- Engage early with the OGP on issues of public procurement.

- Report any non-competitive procurement in excess of €25,000 (ex. VAT) to the Audit and Risk Committee

Reporting

The HEA will report to the Comptroller and Auditor General and the Policy Unit of the OGP on any contracts above €25,000 (ex.VAT) awarded without a competitive process as required by Circular [40/02](#).

Advertising

All contracts with a value of €50,000 (ex. VAT) or above must be advertised on the Irish Government tendering portal www.etenders.gov.ie. In situations where the procurement competition was managed outside of eTenders, the HEA is required to manually create a record of the award on eTenders and complete all relevant fields for contracts over €25,000 (ex. VAT).

Freedom of Information

In accordance with the requirements of [Freedom of Information](#) legislation and the [Model Publication Scheme](#) the HEA will publish the following on its website:

- Procurement policy
- A link to all current tender competitions on the eTenders website. Details of current tender competitions over €25,000 (ex. VAT) are available on www.etenders.gov.ie.
- Public contracts awarded including contract type, contractor, value, award date, duration and brief description (tabular format) for over €25,000 (ex. VAT) contracts.

Tax Clearance Certificates

Valid tax clearance certificates are required for all Suppliers who receive payments in excess of €10,000 in a rolling 12-month period.