

Annual Procurement Report

2023



An tSeirbhís Chúirteanna
Courts Service



12th March 2024

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Procurement Annual Report 2023

Introduction

The Courts Service is an independent statutory state agency, established by the Courts Service Act 1998, to support the third branch of Government – the Courts and the Judiciary. As a frontline service-focused organisation, we are responsible for the administration and management of the Courts in Ireland.

Under legislation the Courts Service is mandated to:

- Manage the courts,
- Provide support services for the judges,
- Provide information on the courts system to the public,
- Provide, manage, and maintain court buildings,
- Provide facilities for users of the courts.

The Service is responsible for the management of all aspects of court activities (except for judicial functions which are a matter exclusively for the judiciary). This is achieved through offices supporting the Supreme Court, Court of Appeal, High Court, Circuit Court, and District Court, and support Directorates established as part of the management structure for the Service.

There are six Directorates located in central headquarters with support services and courts being located throughout the state.

Budget Management and Procurement operates on a devolved basis (i.e.) there is delegated authority and responsibility for expenditure within each of the Directorates.

Procurement and contract management is supported by Finance Unit which is in the Corporate Services Directorate. Procurement is currently operated via a hybrid/blended model and as each Directorate has direct responsibility for their own procurement requirements, many procurements are facilitated by;

- Public Service Partners such as Office of Government Procurement (OGP), who provide 8 central categories of goods/ services and their sector partners in Health (3 categories), Education (2 categories), Local Government (2 categories) and Defence (1 category),
- The use of external procurement consultancy services,
- Self-procurement using templates and support from the Finance Unit procurement advisor.

This is the first procurement Annual Report for the Courts Service, and its purpose is to reflect the achievements, highlights and challenges of public procurement in the Courts Service for the year 2023.

Foreword

I am delighted to publish the first Courts Service 2023 Annual Report which demonstrates the work carried out by the Services' Procurement Officer since their appointment during 2021 and by the wider organisation during the years post COVID.

The Corporate Strategic Plan 2021 – 2023 covers the first phase of the ten - year long term strategic vision which aims to fundamentally transform how the Courts Service delivers services by deploying a greatly increased use of IT, implementing the reforms identified by Mr. Justice Peter Kelly in the Civil Justice Reform Report and implementing the initiatives identified in the Courts Services Strategies –

- ICT Strategy 2021-2024
- Data Strategy 2021 -2024
- Estates Strategy 2022 -2025
- Environmental Sustainability Strategy 2021 -2024
- Innovation Strategy 2020 -2023
- People & Organisation Strategy 2022 -2024
- Learning & Development Strategy 2020 -2023

- Communications & Stakeholder Strategy 2021 -2025

The Finance Units procurement plan aims to support the organisation realise its 2030 vision of making access to justice easier, quicker and more cost effective, and to deliver upon the ambitions of the Modernisation Programme aimed at improving access to justice in a modern, digital Ireland.

The pandemic brought challenges for the administration of Justice, however, as our advancements were already in the planning, it allowed us to implement new ways of operating and quickly learn what is and is not likely to work for the Courts Service. This planning also involved timely procurements, availing of drawdowns from the OGP, contract modifications where necessary and some emergency procurements to ensure the health and safety of the Courts Service frontline staff and Court users during the pandemic.

The work carried out by the Procurement Officer during these years to support and to work collaboratively with our stakeholders has help to shape the procurement function within the Courts Service, including the development of a robust, secure, systems-based Contracts Register which went live in Q1 2023.

Marion Edwards

Head of Finance

About the Courts Service

The Courts Service of Ireland (Courts Service) was established as an independent corporate organisation on 9th November 1999 following the enactment of the Courts Service Act, 1998.

The Courts Service is a largely decentralised organisation with administrative responsibility for 106 courthouses and court venues throughout Ireland. Its primary functions are to manage the courts, support the judges, provide information on the courts system to the public, and provide court buildings and facilities for court users and there are multifaceted risks associated with this responsibility.

In fulfilling these primary functions over 1,200 people work across a nationwide network of offices and court venues, to provide these services in civil, criminal, and family law to court users daily. These offices, supported by directorates established as part of our management structure, working with the Judiciary, facilitate the work of the Supreme Court, Court of Appeal, High Court, Circuit Court, and District Court.

The Courts Service plays a vital role in managing a high volume of activity across a broad complex network of interconnected stakeholders that is the Courts system of Ireland. By way of illustration in 2022, there were -

21,302 incoming probate applications, an increase of 20% on 2019,

23,536 applications to the District Court under domestic violence legislation,

23,214 Irish Prison Service video courtroom appearances,

377,094 incoming criminal cases, a decrease of 3.6%, with 308,915 resolved,

377,025 criminal appeals, a decrease of 3.4%, with 308,915 resolved and

170,425 civil cases, an increase of 21.5% were before the Courts, with 137,159 resolved.

A modern functioning Courts system is the foundation of a stable society.

The purpose of the Courts Service is supporting Justice and in delivering this purpose the Courts Service must consider the needs of the judiciary, of the people involved in proceedings and the wider public and support this delivery through strong public procurement.

Procurement at the Courts Service

A dedicated Procurement Officer was appointed in July 2021 to create awareness in Governance and Compliance throughout the Courts Service. They are also responsible for providing oversight, advice and assistance to all staff and aid with Contract Management as we operate a devolved Procurement model across the organisation. This includes maintaining a support network through the established "Procurement leads". It also includes the provision of documents, templates, and guidance to support local procurement activity undertaken by directorates such as template Business Case, Request for Quotation template, Call for Competition templates for goods and services etc. This network also serves to increase awareness of the various policy and practice agendas to encourage best practice.

The Courts Service Procurement Policy is currently being updated to reflect the changes in Circulars and new increased EU thresholds in January 2024.

In support of the vision for the Courts Service ***"Delivering excellent services to court users; working in partnership with the Judiciary and others, to enable a world class Courts system"*** the procurement mission is defined as -

"To work in partnership with our internal and external stakeholders to deliver a procurement service that assists in the delivery of our strategic objectives, manages compliance and achieves value for money."

Procurement has as a customer centric focus by definition and as such the Procurement Officer endeavours to provide an efficient and effective service to its internal and external service users and by:

- Promoting and champion the role of procurement,
- Providing support and advice for the procurement and contract management of goods and services,

- Advising buyers on appropriate procurement mechanisms and the relevant experts within OGP and other central procurement agencies,
- Developing and promoting environmental, social and governance policies and practices that encourage equality and diversity, fair work practices and sustainability to be incorporated in to how we procure and manage contracts over their lifecycle,
- Facilitating some procurement processes,
- Minimising procurement risk by providing technical procurement advice and guidance,
- Ensuring, that procurement policy, procedures and templates comply with EU Law and National Guidelines,
- Maintaining and updating policies, procedures, and guidance documentation in relation to procurement and contract management,
- Being the System Administrator and support for the centrally hosted Contracts Management System,
- Delivering procurement training to staff,
- Investigating the potential for aggregation of commonly used goods and services to create efficiencies and help achieve value for money,
- Deliver the organisations procurement plans,
- Adhere to procurement reporting obligations - reduction of non-compliant expenditure requiring reporting in Circular 40/02.

The Courts Service operates a devolved Procurement function with the Procurement Officer assigned to Corporate Services Directorate, Finance Unit reporting to the Head of Finance. However, for more intricate procurement we have engaged the services of an external procurement consultant who has wide ranging experience of public sector procurement.

All personnel authorised to incur expenditure are responsible for:

- Adherence to Public Procurement procedures, guidelines, and regulations, such as European Union Directives and circulars issued by the Office of Government Procurement (OGP).

- Adherence to Public Procurement thresholds when considering the sourcing of goods or services.
- Ensuring that there is budget approval and funds available prior to authorising a commitment.
- Adherence to contract signing authorisation limits.
- Adherence to expenditure authorisation limits.
- Timely planning of procurements, ensuring sufficient time is given to complete tenders or mini competitions before the expiry of existing contracts, thereby ensuring no non-compliant / non-competitive contracts.
- Active and appropriate management of contracts for which they are responsible, including updating the Contracts Register with any changes.
- Timely reporting and communicating of potential contract and/or budget overruns to budget managers/senior management and to the Finance Unit.

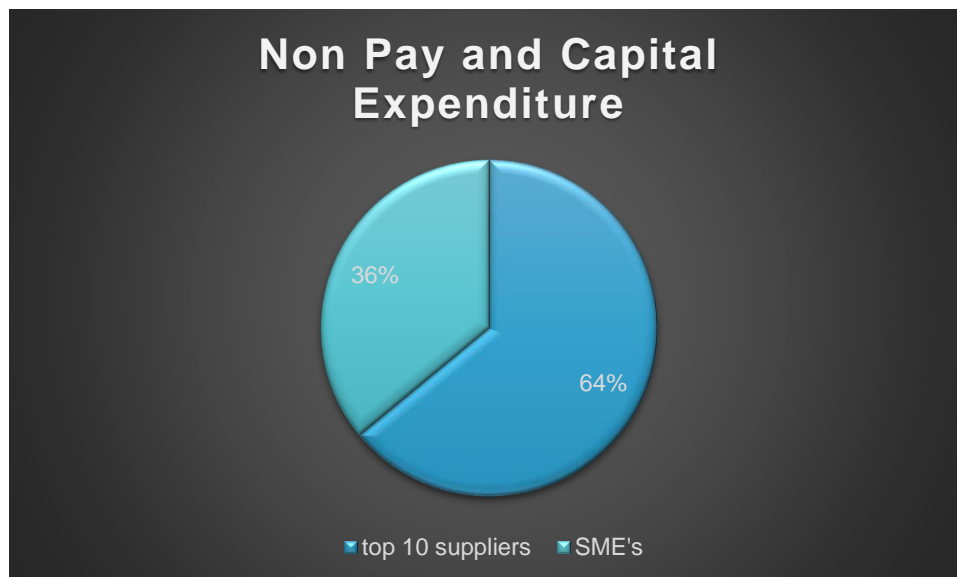
The objective of the above is to ensure, that when someone is generating a commitment for expenditure, that there is appropriate governance and that value for money is achieved.

Only staff who have been granted Delegated Purchasing Authority by our Chief Executive can award contracts on behalf of the organisation.

Courts Service Procurement Annual Summary

In the year reporting period covered by this report, breakdown is as follows:

- 64% of spend¹ was concentrated with top 10 suppliers. These suppliers cover a range of Services under the following descriptions
 - Capital Expenditure relating to our Public Private Partnerships (PPP) including the Criminal Courts of Justice and the Regional Courts bundle and other building leases
 - ICT expenditure relating to Development Projects, Managed Services, Contract and Consultancy Services
 - Utilities Expenditure
 - Expenditure relating the maintenance and upkeep of our Court Houses and buildings
- 36% of our spend, was with small and medium sized enterprises (SMEs)



- 24 regulated contracts were awarded totalling €31.840m (excluding VAT). Contracts awarded over €1.0m accounts for 20% of this total and 80% accounts for contracts awarded below €1.0m

¹ Non-Pay and Capital Expenditure



At the start of January 2023 there were 42 items with a value of €21.31 million (excluding VAT) on the procurement plan which included items carried over from 2022. By the end of December 2023 there were 52 items with a value of €45.45 million (excluding VAT). Of those items 9 were contract extensions

During the year, an additional 10 procurements (above €25,000 excluding VAT threshold) were identified to enable the Courts Service implement initiatives that are identified in the Courts Services Strategies.

Some examples below;

- Southern Regional Office, tendered for the provision of Meeting Pods at Limerick Courthouse to allow for private consultations for our Court Users in Limerick Family Law Court
- ICT put in place a contract to be in the order of €10m (excluding VAT) to ensure that Maintenance, Support, and Installation services of Video Conferencing Services are available for the Dublin Family Law Courts Project

- Learning & Development tendered for a Coaching and Mentoring Service, and they are finalising the specification for the Management Development Academy – QQI level 6 Certificate in Managing People

Many tenders were on track to being issued to the market, however, changes in business requirements have placed some of them into Q1 2024.

2023 also saw a robust and secure systems-based Contracts Register go live. This will ensure that information about all our contracts is kept in one easily accessible place and provides an auditable record of every contract over €25,000 (excluding VAT).

The Courts Service has a Procurement Network which, is a network of Courts Service staff including senior managers across all Directorates who meet on a quarterly basis to review procurement priorities and to be kept informed of changes in Public Procurement. In 2023, the group met on 5 occasions².

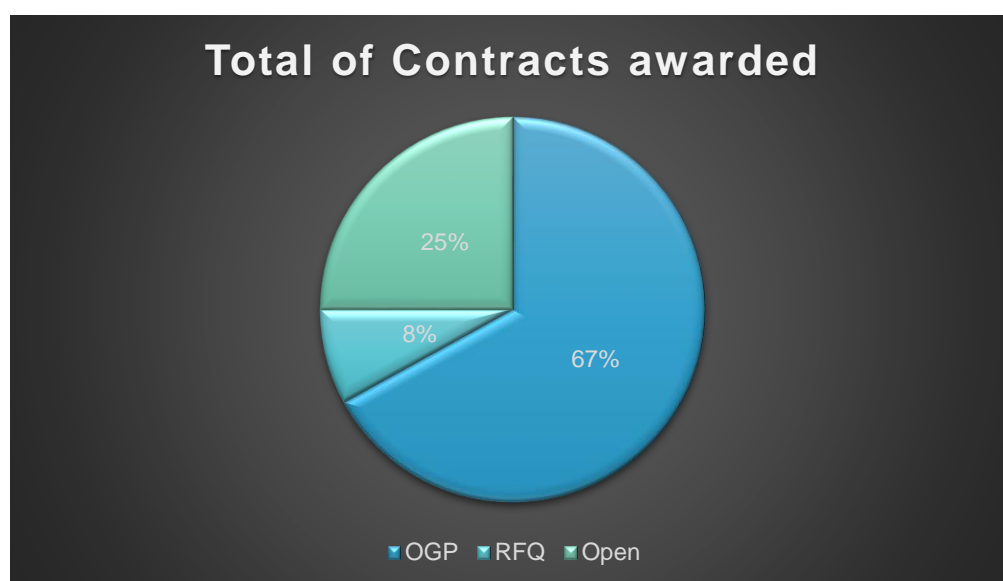
² 1 Feb, 29 March, 19 June, 14 Sept and 13 Dec 2023

Regulated Procurement Activity

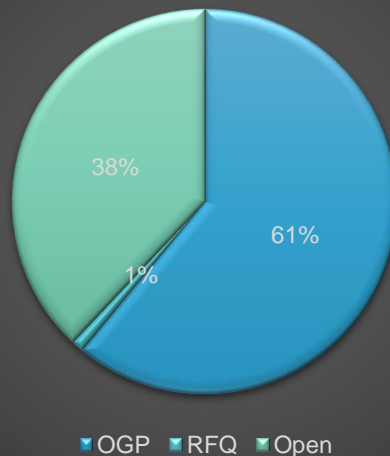
The Courts Service supports and encourages the use of existing national and local collaborative procurement contracts and framework agreements. Having a shared service like the Office of Government Procurement (OGP) allows the Courts Service and the wider public sector to achieve value for money and a wide range of economic benefits throughout through efficient procurement activity.

The Courts Service also has access to utilising contracts in the Local Government Operational Procurement Centre (LGOPC) and the Office of Public Works (OPW). These procurement contracts and framework agreements are more aimed at the Estate Management Unit (EMU) and Sustainability Unit for use.

Throughout 2023, the Courts Service awarded a total of 24 contracts and Framework Agreements (FWA) with a total value over the lifetime of each contract of €31.840m (excluding VAT). 16 of these were awarded through OGP FWA, this represents 61% of spend and the remaining 8 were awarded through Request for Quote (RFQ) or Open Procedure, totalling €12.3m or 39% of spend.

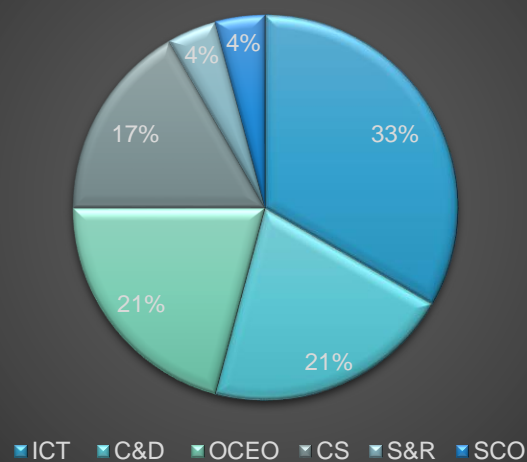


Total Value of Contracts awarded



Breakdown per Directorate of the 24 regulated contracts

Contracts awarded by Directorate



In May 2023, Circular 05/23 introduced initiatives to assist SMEs in Public Procurement and replaced Circular 10/14. This increased the national advertising thresholds to €50,000 (excluding VAT) for goods and services and to €200,000 (excluding VAT) for works but, it did not raise the compliance threshold for Circular 40/02³. Contracts awarded between the

³ Circular 40/02: Public Procurement Guidelines – revision of existing procedures for approval of certain contracts in the Central Government sector

€25,000 threshold under 40/02 and the new national threshold €50,000 must be published as contract awards on eTenders following completion of the procurement.

Review of Regulated Procurement Activity Compliance

It is Courts Service policy to comply with public procurement guidelines, regulations, and directives. The Courts Service as a contracting authority is accountable for all procurement it carries out.

Budget Management and Procurement operates on a devolved basis i.e. there is delegated authority and responsibility for expenditure within each of the Directorates. The objective of this is, to ensure, that when someone is generating a commitment for expenditure, that there is appropriate governance and that value for money is achieved.

Government Policy states that public bodies, where possible, should make use of all available central arrangements⁴.

All Regulated Procurement the Courts Service is undertaken within the parameters of the National Public Procurement Policy Framework (NPPPF) which is the overarching policy framework for public procurement in Ireland.

The National Public Procurement Policy Framework (NPPPF) consists of five strands:

1. Legislation (Directives, Regulations)
2. Government Policy (Circulars etc.)
3. Capital Works Management Framework for Public Works and Construction related Services
4. General Procurement Guidelines for Goods and Services
5. More detailed technical guidelines, template documentation and information as issued periodically by the Policy Unit of the Office of Government Procurement (OGP)

⁴ Department of Public Expenditure and Reform Circular 16/13: Revision of arrangements concerning the use of Central Contracts put in place by the National Procurement Service

A Courts Service Procurement Strategy will be prepared in 2024 and this will define how we strategically manage Procurement activities. This medium to long term plan will be managed within the business to provide a compliant approach and continue to obtain value for money contracts. It will also outline how improvements will be introduced to procurement, and how the business will benefit from a more sustainable, environmentally friendly, and socially responsible approach.

Our approach is to be objective, transparent, and sustainable to meet the expectations of all stakeholders to provide better performance through well-specified, procured, and managed contracts that will meet the needs of the business.

Finance Committee

The Finance Committee is a sub-committee of the Courts Service Board. Its role is to provide oversight and scrutiny on financial matters of the Courts Service on behalf of the Courts Service Board.

In accordance with the Courts Service Governance Frameworks, the Committee considers and approves:

- proposals for contracts and arrangements, including leases and the acquisition or disposal of any interest in land and /or property, with a value between €1m and €5m
- proposals for contracts for consultancy between €0.100m and €0.500m

The Committee also considers and makes recommendations to the Courts Service Board for:

- contracts and arrangements including the acquisition or disposal of any interest in land on/or property with a value more than €5m.
- contracts for consultancy more than €0.500m.

The Committee also reviews and considers the Courts Service's

- Procurement policy,
- Annual Procurement Plan,
- Contract register,
- Published list of suppliers in receipt of payments more than €20k and prompt payment interest report

Internal Audit Unit

The Courts Service has an Internal Audit Unit (IAU) that operates under the Office of the Chief Executive in accordance with a written charter, which has been approved by the Courts Service Board.

The IAU is entrusted with the responsibility of providing independent and objective assurance to management about the effectiveness and adequacy of risk management, control, and governance processes within the Courts Service and to achieve this, the unit performs comprehensive audits spanning a variety of the Service's activities including Procurement.

Derogations

In certain circumstances, where a purchase is or is likely to exceed €25K (excl. VAT) for a single supplier in a particular year or across several spend categories for the same supplier, then an application for a derogation from competition should be completed and submitted for approval under Circular 40/02 (non-competitive spend) to the Internal Audit Unit (IAU) prior to any expenditure being spent. The accepted circumstances for such derogation are;

- Proprietary/Sole Supplier Arrangements
- Urgency/Specialist/Security
- Rollover Contracts (due to timing/delay issues)

and in such circumstances, a procurement strategy should be implemented as soon as possible to rectify the arrangement. Being an operational organisation means that there will always be an element of 40/02 applications necessary due to proprietary purchases.

Each year, the Accounting Officer, the CEO of the Courts Service prepares an appropriation account for the Vote and submits it to the Comptroller and Auditor General (C&AG) for Audit. Part of that submission provides details of non-competitive contracts to the C&AG and the Department of Public Expenditure, National Development Plan Delivery and Reform (DPENDR) and in 2023, the Courts Service had 10 incidences of non-compliant contracts. We also reported 2 derogations and 13 proprietary contracts.

Our Strategic Aims, Objectives and Key Priorities will always reflect the regulatory requirements in the public sector marketplace. This includes all policy, regulations and guidance provided by the OGP as the terms of reference for how we plan, manage, and deliver procurement activity.

Our key priorities are to improve procurement processes and policies. The Courts Service will do this by:

- Promoting increased levels of contracted spend throughout the organisation, to ensure that the taxpayer's money is spent properly, ensuring integrity and accountability
- Continued reporting of procurement performance and compliance, to ensure that our internal processes are adhered to
- Provide templates which are easily accessible for all Courts Service staff to use
- Work collaboratively with other public sector organisations on regulated procurements where appropriate

Future Regulated Procurement Summary

Under Circular 10/14 – Initiatives to assist SMEs in Public Procurement a contract was regulated if the anticipated value for goods or services was over €25,000 (excluding VAT) and €50,000 (excluding VAT) for works and work-related services.

In May 2023, Circular 05/23⁵ replaced Circular 10/14. This increased the national advertising thresholds to €50,000 (excluding VAT) for goods and services and to €200,000 (excluding VAT) for works.

The threshold at which all contracts for goods and services must be advertised on eTenders is now €50,000 for goods and service and work-related services (exclusive of VAT). The national advertising threshold for works related services is now in line with the threshold for general services.

Contracting authorities are required to publish contract award information for all procurements over €25,000 (exclusive of VAT), including any contract awarded under a Framework Agreement, on the eTenders website on completion of the award whether the procurement was advertised on eTenders or not (for example, via email).

As set out above, public bodies can now follow a more simplified competitive process for purchasing up to the national advertising thresholds. The increases in the advertising threshold will not impact on the obligations for Government Departments and Offices to report to the Office of the Comptroller & Auditor General on any contracts above €25,000 awarded without a competitive process (as set out in Circular 40/2002).

⁵ Circular 05/23 – Initiatives to assist SMEs in Public Procurement

The Courts Service will ensure that these new requirements are adhered to and that staff members with responsibility for procurement understand their obligations.

The Courts Service is keen to encourage competition for our contracts and we seek to advertise tendering opportunities to the market with sufficient advance notice and we advertise all open tendering opportunities on the eTenders portal.

The Courts Service maintain a yearly Procurement Plan of planned procurements, forecast new contracts and contract renewals. Throughout the year, new requirements and changing needs of the business may identify new projects which require to undertake regulated procurement activity and may influence the timelines and priority of projects.

Appendix 1 shows the procurement plan for 2024.

Contract and Supplier Management

Budget and Contract Management operates on a devolved basis and responsibility for expenditure within each of the Directorates has a nominated contract manager for each contract engaged in. Their responsibility is to ensure that the contract is monitored and managed effectively and if an issue arises regarding supplier performance or supply chain risks, the Procurement Officer will offer guidance and support.

The main functions of a contract manager include:

- Ensure successful implementation and execution of contracts
- Monitor contract performance against agreed Key Performance Indicators, Service Level Agreements, and any other specified performance indicators
- Lead supplier contract review and performance meetings in partnership with key stakeholders
- Develop and maintain supplier relationships to extract the maximum value from our contract
- Address and manage any issues that may arise and where appropriate initiate escalation meetings
- Proactively identify and manage contract risks and review business contingency planning
- Review and manage contract exit strategies

Green Public Procurement in the Courts Service

The Courts Service is committed to considering and integrating sustainability into our Procurement Strategy, Procurement Plan, and individual contracts.

The Courts Service follows the guidance from the OGP in relation to procurement matters, including the implementation of GPP. Where possible, the Courts Service draws from OGP contracts or frameworks or uses OGP templates for procurements which are undertaken locally. OGP has updated its standard templates for goods and services in line with GPP commitments and all new procurement competitions have included green assessment criteria. In addition, the advice of an external procurement support is sought for any large procurements not supported directly by OGP.

Over the last two years, this support has provided advice and assistance in relation to some multi-million-euro contracts. GPP commitments were considered in relation to some ICT services and cleaning and caretaking procurement, for example. In response to the Courts Service sustainability commitments a contract was drawn down for staff fleeces from an OGP framework for the supply of Personal Protective Equipment (PEE) supplies and workwear. These products met all sustainability and GPP commitments and contribute to the wellbeing initiatives of the organisation.

The EPA guidance⁶ calls out ten priority sectors where clear, verifiable criteria that can be included in procurement documents have been identified to ensure that the goods and services procured are sustainable. A search tool was developed, led by the OGP and the in-house team have commenced using this during 2023. The 2024 procurement plan continues to include a commitment to create more awareness of GPP, its benefits and our obligations as a Contracting Authority.

⁶ A copy of The Environmental Protection Agency's (EPA) updated guidance on Green Public Procurement (GPP) for the public sector in 2021 is available on the Courts Service Intranet

In the last 18 months, of the ten EPA criteria sets, the Courts Service would have drawn down framework agreements from the OGP in relation to the following services:

- Waste Management Services,
- Provision of Electricity and Gas,
- Provision of paper and printing services,
- Provision of stationery including file covers

The Courts Service rely on the OPW for Building / Construction work, however, included in the 2023 Procurement Plan are the development of;

- A Framework Agreement for Multi-disciplinary Design Services,
- A Framework Agreement for Minor Works projects and
- An LED Light Upgrade at Phoenix House

These two (2) frameworks and the LED lighting project will provide the Estate Management Unit with the expertise to deliver on and implement the Estates Strategy 2022 - 2025 and the Courts Service Environmental Sustainability Strategy 2021 - 2024, delivering on the Courts Service broader sustainability commitments.

The Courts Service green selection and award criteria have been applied, where possible, on contracts below threshold or procured directly. As older contracts are renewed the Courts Service GPP commitments will be reviewed and included, where applicable.

A system to gather and record data on GPP implementation in the Courts Service, using the reporting template and relevant guidance, will be developed by during 2024.

The Courts Service is committed to GPP, and consideration will be given to putting in place information, training, networking, and monitoring activities to ensure our goals are met over the course of 2024.

Appendix A – Detailed Procurement Plan 2024

Directorate	Description	Estimated Value €000's	Contract Duration
ICT	Digital Dictation**	100	4 years
ICT	Provisions of Managed Print Service**	500	5 years
Strategy & Reform - Legislation & Rules	Drafting & Legal Services to Court Rules Committees**	300	4 years
Strategy & Reform - Legislation & Rules	General Legal Advice**	750	4 years
Corporate Services – CFO	Fund Management Services**	0	10 Years
Corporate Services - EMU	Framework Agreement for Multi-disciplinary Design Services **	800	4 years
Corporate Services - EMU	Framework Agreement for Minor Works Projects**	8,000	4 years
Corporate Services - EMU	Supply, Delivery and Installation of Office Furniture**	400	4 years

Corporate Services – EMU Sustainability	Phoenix House LED Light Upgrade**	500	1 year
Corporate Services - EMU	Provision of Automated External Defibrillator (AEDs) for the Regional Offices*	150	2 years
C&D Operations	Bespoke Office Consumables*	500	4 years
Strategy & Reform – L & D	Management Development Academy**	300	4 years
ICT	Citrix Support	260	1 Year
ICT	Supply of Windows Servers	275	4 Years
ICT	Supply of Multi-Purpose Office Paper for Printing and Photocopying	80	2 Years
ICT	Service Provision of Lotus Domino/Notes and Web Development, support and related services	500	4 Years
Strategy & Reform – L & D	Trauma Informed Training*	150	2 Years
CEO Office – CMU	Media Relations	480	4 Years
ICT	eRecruitment	30	2 years

ICT	Mobile Voice & Data Services	2,000	3 years
CEO Office – IAU	Provision of Internal Audit Services	150	2 years
CEO Office – IAU	Provision of External Quality Assurance of the Internal Audit Function**	30	1 year
CEO Office – IAU	Provision of Internal Audit Services (Risk Management and General Audit Services) Function	150	2 years
Circuit & District	Cash in Transit **	800	4 Years
Circuit & District – SRO	Facilities Management Support for Washington Street	130	2 Years
ICT	WIFI Equipment & Associated Services	900	3 years
TOTAL	26	18,253	

