

# Public Procurement Policy and Procedures for the Courts Service



An tSeirbhís Chúirteanna  
Courts Service



17.06.25

## Contents

<b>1.0</b>	<b>Purpose .....</b>	<b>5</b>
<b>2.0</b>	<b>Scope .....</b>	<b>5</b>
<b>3.0</b>	<b>Policy Statement .....</b>	<b>5</b>
	Procurement from an Approved Budget .....	7
	Specific Categories of Expenditure .....	9
	Valuation of a Procurement Proposal.....	9
	Corporate Procurement Plan .....	11
	Procurement Processes.....	11
	Managing Risk .....	13
	Issuing Payments on Foot of a Procurement Process .....	13
	Monitoring and Reporting.....	13
	Maintaining files during the procurement process .....	15
<b>4.0</b>	<b>Roles and Responsibilities .....</b>	<b>16</b>
	Contract Owner.....	16
	Procurement Officer.....	17
	Procurement Coordinator.....	18
	Tender Evaluation Team.....	19
	Head of Finance .....	19
	Governance.....	19
	Office of Government Procurement.....	19
<b>5.0</b>	<b>Implementation and Education .....</b>	<b>20</b>
<b>6.0</b>	<b>Sanctions.....</b>	<b>20</b>
<b>7.0</b>	<b>Related documentation .....</b>	<b>20</b>
<b>8.0</b>	<b>Contacts .....</b>	<b>21</b>
<b>9.0</b>	<b>Evaluation and Review .....</b>	<b>21</b>
<b>10.0</b>	<b>Appendices .....</b>	<b>21</b>
	Appendix 1. 1a & 1b: Procurement Procedures and Approval Limits.....	22
	Appendix 2: Summary of Steps in the Procurement Process.....	26
	Appendix 2a: Roles of OGP and Courts Service in Undertaking Bespoke and Mini- Competition Procurement Processes.....	28
	Appendix 3: Steps in a procurement process for purchases valued above €5,000 and below €50,000 (excluding VAT) .....	30

Appendix 3a: Steps in a procurement process for purchases valued between €50,000 and €140,000 (ex VAT) .....	32
Appendix 3b: Steps in a procurement process for purchases valued over €140,000 (ex VAT).....	36
Appendix 4: Approaches to Procurement.....	39
Appendix 4a: Specific Issues to Consider During a Procurement Process .....	43
Appendix 5: Maintaining Files on the Procurement Process .....	48
Appendix 5a: Regulation 84 Information .....	50
Appendix 6: Evaluation Team Member Declaration Regarding Conflict of Interest and Confidentiality Undertaking .....	52
Appendix 7: Contracts Register Details .....	54

Version	Created by	Approval or Comments	Issue Date
1.0	Susan Kane		March 2025
1.0		SMT	17 <sup>th</sup> June 2025
1.0		SMT	24 <sup>th</sup> June 2025
1.0		Finance Committee	30 <sup>th</sup> June 2025

## Public Procurement

### 1.0 Purpose

- 1.1 The purpose of this statement is to set out the internal policies and procedures for the procurement of goods and services, Capital including ICT, Courthouse Maintenance and consultancy. in the Courts Service. It outlines all processes and related matters, to ensure all staff are aware of their obligations. The statement is not intended as legal advice or a legal interpretation of Irish or EU law on public procurement.

### 2.0 Scope

- 2.1 The internal procurement policies and procedures set out in this guide will apply to all Directorates and Offices of the Courts Service and reflect the recommended principles of the Department of Public Expenditure, NDP Delivery and Reform (DPENDR) and the Office of Government Procurement (OGP).

### 3.0 Policy Statement

- 3.1 All procurement by the Courts Service is governed by EU Directives<sup>1</sup> on procurement which set out rules and procedures designed to ensure equal treatment, mutual recognition, proportionality and transparency in the awarding of public contracts. Procurement decisions must in all respects be fair, equitable, and ensure value for money and the Courts Service must be able to justify decisions made and actions taken.
- 3.2 In all cases, the Office of Government Procurement (OGP) [Public Procurement Guidelines for Goods and Services](#), which sets out the rules and best practice on the various stages of the procurement process, must be followed by all staff. The standard tender templates, which are available to download on the Office of Government Procurement's website, must also be used. This suite of documents has been amended with additional Courts Service details and are available on the intranet.
- 3.3 While details are set out later in this document, in summary the position in relation to procurement in the Courts Service is as follows:
- there must be a budget in place and all expenditure must be approved by designated officers, in accordance with pre-determined approval limits.
  - certain considerations must be taken into account in relation to specific categories of expenditure (e.g. ICT); - See section 3.14
  - the Courts Service Procurement Officer may be contacted, if needed, to establish if the OGP has any existing or planned central

---

<sup>1</sup>See [Public Procurement Guidelines for Goods and Services](#), page 8.

procurement arrangements which may meet the needs identified (direct engagement with OGP)

- if a central procurement arrangement is not available, the approach to be applied, in terms of nature of the approval required and the processes to be followed and by whom, is determined by the value and the nature of the goods or services involved. The approach is outlined in Table 1
- All values in this policy are expressed exclusive of VAT

Table 1:

<b>Goods or services with an estimated value (excluding VAT)</b>	
<b>under €500</b>	May be purchased directly, subject to the proviso that, where feasible, a verbal quotation is sought from three competitive suppliers.
<b>between €500 and €5,000</b>	Require at least <u>three verbal</u> Requests for a Quotation (RFQ) and these quotations are confirmed by email
<b>between €5,000 and €50,000</b>	Require a <u>written</u> Request for Quotation (RFQ) from a minimum of three suppliers <sup>2</sup> A contract award notice must be uploaded on eTenders for contracts awarded over €25,000 – Cir 05/23
<b>over €50,000</b>	Require a formal Call for Tender (CFT) if running our own procurement or a Supplementary Request for Tender (SRFT) if using an OGP Framework
<b>over the EU Threshold (currently €143,000<sup>3</sup>)</b>	Require a formal Call for Tender (CFT) and a more formal and more detailed process applies

See appendix 1 for further information.

- Under no circumstances should a Directorate and/or Office commence a procurement process for goods or services over €5,000, without:
  - establishing a clear business need;
  - developing a Procurement Request Form;
  - obtaining a realistic estimate of the value of all phases of the

<sup>2</sup> It will be necessary for the purposes of Audit to be able to provide information that shows that every effort was made to obtain a minimum of 3 written competitive quotes.

<sup>3</sup> This threshold is updated every 2 years. The threshold of €143,000 came into effect on 1<sup>st</sup> January 2024.



- service or the goods to be procured;
- confirming that the required budget has been approved and is in place;
- entering all the relevant details on a dedicated RFQ / CFT and contracts file in line with the Courts Service's Record Management Policy<sup>4</sup> and advising the Procurement Officer.

3.4 All staff involved in procurement in the Courts Service must be fully aware of and must comply with applicable legislation and Government policies. Staff should, in particular, adhere to the OGP's Public Procurement Guidelines for Goods and Services as well as the advice set out in the guidance note on Ethics in Public Procurement in relation to probity, transparency and accountability, the disclosure of conflicts of interest, and the acceptance of gifts of hospitality.

As noted at paragraph 4.7, staff involved in the evaluation of a tender as part of a procurement process must sign the relevant Declaration Regarding Conflict of Interest and Confidentiality Undertaking<sup>5</sup>.

### Procurement from an Approved Budget

3.5 Assistant Secretaries and Principal Officers of the Courts Service have overall responsibility for expenditure in their areas. They should ensure that all relevant staff are familiar with all aspects of their respective budgets available and that spend is not committed unless a pre- approved budget is in place.

3.6 They should also ensure that a **Budget Manager** is in place for each function. The Budget Manager is required to:

1. Liaise with the Procurement Officer on all contracts with a value between €5,000 and €50,000.
2. Capture all contract information for their function and provide commentary/other information as required.
3. Notify and engage with the Court Service's Procurement Officer for all contracts required valued in excess of €50,000
4. Maintain the contracts register for their function for all contract values including the spend to date.

Training may be provided to enable the Budget Manager carry out their role.

---

<sup>4</sup> Available on the intranet at ICT Knowledge base section

<sup>5</sup> eTenders allows for this process to be conducted online

- 3.7 As stated already, a procurement process cannot be carried out unless a budget is in place. The contract<sup>6</sup> approval hierarchy is as follows:

Procurement Authority Levels							
Authority Levels							
Tendering Process	Courts Service Board	Finance Committee	CEO / Nominee	Head of Directorate	Principal Officer	Assistant Principal Officer	Higher Executive Officer
Initiator			€1.0m +	< €1.0m	< €0.150m	< €0.080m	< €0.025m
Opening <sup>1</sup>				€0.500m +	< €0.500m	< €0.200m	< €0.100m
Approval – General <sup>2</sup>	€5.0m +	< €5.0m	< €1.0m	< €0.500m	< €0.150m	< €0.080m	< €0.025m
Approval - Consultancy	€0.500m +	< €0.500m	< €0.100m				
Signing			€0.500m +	< €0.500m	< €0.150m	< €0.080m	< €0.025m
<sup>1</sup> A minimum of two officials must be present when opening tender response. Officials should be at least of HEO grade. <sup>2</sup> For approval of contracts the approver cannot be involved in the tender evaluation process The thresholds stated above represent the approval value “Up To” that level, unless otherwise stated.							

- 3.8 The threshold at which contracting authorities are required to advertise all contracts for goods and services has been increased from €25,000 to €50,000. Contracting Authorities must continue to publish contract award information for all procurements over €25,000 (exc. of VAT), including any contract awarded under a Framework Agreement on the eTenders website on completion of the award, regardless of whether the procurement was advertised on eTenders or not. This instruction is per [Circular 05/2023: Initiatives to assist SMEs in Public Procurement](#).

- 3.9 All signed contracts should be signed in line with the Courts Service's Thresholds for Contract Signing and Governance<sup>7</sup> for approving contracts. Formal digital signatures are acceptable on all contracts, this shows our commitment to sustainability and our ongoing commitment to the “Green Agenda”.

<sup>6</sup> Contracts should be sent to the Office of the CEO via the eSubmission portal

<sup>7</sup> Appendix 1a and 1b refers



- 3.10 The Courts Service's **Procurement Officer** must be informed of all tenders valued in excess of €5,000 and may oversee/advise on the tender process of all contracts with an estimated value in excess of €50,000. All tender documents should be retained in accordance with the Court Service's Record Management Policy. This is to facilitate a possible audit of the Courts Service's Procurement activity and to maintain the contracts register<sup>8</sup>. In addition, the Procurement Officer, along with the Office for Government Procurement, will be the first point of contact for advice and assistance.
- 3.11 The Principal Officer or their nominee, who requires the goods or service and initiates the contract is the **Contract Owner**. They shall have oversight and responsibility of the procurement process for these goods or services. The Contract Owner may not commence a procurement process for goods or services valued over €5,000 without establishing a clear business need, for example, by way of preparation of a Procurement Request<sup>9</sup> or, where applicable at higher expenditure levels, a cost benefit analysis.<sup>10</sup> Any procurement request should address future phases of the service or purchase of goods that may be required.
- 3.12 Where a contract is awarded as part of a procurement process, it is necessary to set an expenditure limit. If, during the lifecycle of a contract, it appears that actual expenditure will exceed this expenditure limit, a supplementary proposal must be submitted setting out details of the increased costs, and the factors which have given rise to them. Expenditure more than the amount authorised may not be incurred until the supplementary proposal has been approved through the appropriate levels.
- 3.13 Where it is proposed to award a contract without a competitive process, a derogation<sup>11</sup> must be sought in advance from Internal Audit Unit (IAU).
- 3.14 A high-level summary of procurement procedures and expenditure and approval levels is available at Appendix 1.

### Specific Categories of Expenditure

Certain considerations must be taken into account in relation to specific categories of expenditure. For example, the procurement of any ICT goods and services must go through ICT Directorate. The area leading the procurement should consult ICT in the first instance and develop the

---

<sup>8</sup> Available under Quick Links on the Finance & Procurement page on the intranet

<sup>9</sup> Available on the intranet

<sup>10</sup> It should be noted that section 1.2 of the Infrastructure Guidelines provides guidance on the Project Lifecycle of public projects before expenditure is incurred. *It provides that for current expenditure proposals expected to incur **over €20m** (with an annual spend of at least €5m) an economic appraisal should be submitted to the DPER Vote Section who may seek the views of the Central Evaluation Unit in the DPER.*

<sup>11</sup> Form is available on the Intranet under Finance and Procurement

specification with their support. The same applies to purchases from the EMU budget.

### **Valuation of a Procurement Proposal**

- 3.15 A realistic estimate of the value of all phases of the service or the goods to be procured is essential as this will determine the procedures to be followed.<sup>12</sup> It will also be necessary to take due account of the potential to aggregate procurement activities to maximise efficiencies and savings – see section 3.19 below.
- 3.16 When valuing a specific contract, which in turn will affect the procurement procedure to apply, the estimate must:
- be a genuine and realistic estimate at the date the purchase is notified to the potential vendor(s);
  - be exclusive of VAT;
  - take into account the entire term of any contract agreement (i.e. includes all extensions); and assume that all options in any contract will be exercised.
- 3.17 Contract extensions are not allowed if, the RFQ / tender documentation did not provide for this. If you are unsure or have any queries please contact the Procurement Officer. It is important to carefully estimate the likely volume / value of goods or services required as suppliers who may not be interested in a lower volume / value tender may be interested if the contract is for a substantially higher volume / value. This consideration will also inform the decision as to whether to include a provision in the request for quotation / tender documentation allowing for an extension(s) to any contract agreed.
- 3.18 Contracts of indefinite duration should be avoided, unless there are compelling and justifiable reasons on record. Where one is in prospect it should be valued based on four years' anticipated supply.<sup>13</sup> There should be a compelling, justifiable reason for such an arrangement. Contact the Procurement Officer for more information.
- 3.19 No project or contract can be artificially split to prevent it from coming within the scope of the national guidelines or EU Directives. Where a project or purchase involves separate lots, the value of all lots must be included in estimating the value of the contract.

---

<sup>12</sup> If the estimate of the value of a contract is at the margins of the €50,000 or €143,000 thresholds, the Budget Manager should assume it will run over relevant threshold and should apply the appropriate procedure for procurement at the higher threshold.

<sup>13</sup> After the four-year period, the procurement project and market should be assessed to establish: if value for money is still being maintained; if there is an alternative; and the current market price for the goods or services is better than the current (four year old) contract. A substantial modification of the provisions of a public contract or Framework Agreement during its term will be considered a new award for the purposes of the 2016 Regulations and will require a new procurement procedure. A list of changes specifically permitted during the life of a contract without a new procurement procedure are set out in the OGP Guidelines, along with details of the provisions that must be included in all contracts to allow it to terminate the contract in certain circumstances.

## Corporate Procurement Plan

- 3.20 The Procurement Officer (see section 4.4 below) develops a Multi-Annual Procurement Plan in conjunction with the Head of Finance and relevant Directorate or Office after the Revised Estimates have been finalised and this will be updated periodically throughout the following year. This plan will assist in delivering best practice procurement by facilitating greater co-operation and exchange of information with the OGP. It will allow the Procurement Officer the opportunity to examine the potential, where applicable, for the aggregation of procurement activities for commonly used goods and services by utilising a whole of Organisation approach. By estimating the whole of Organisation spend for common goods and estimating spend on recurring items over a longer period,<sup>14</sup> the market can be approached in a manner that would secure a more efficient outcome and maximise savings. The plan will also facilitate the Procurement Officer in identifying opportunities for early engagement with the OGP in respect of OGP current and planned arrangements, as well as bespoke arrangements.

## Procurement Processes

### Processes below €5,000

- 3.21 Where the required expenditure is approved and the considerations set out in 3.13 in relation to specific categories of expenditure have been addressed, and where feasible, any relevant OGP Framework Agreement is utilised (see section 3.23 below), the following arrangements apply:
- goods or services with an estimated value up to €500 may be purchased directly, subject to the proviso that, where feasible, a verbal quotation is sought from three competitive suppliers.
  - goods or services between €500 and €5,000 require a minimum of three verbal Requests for a Quotation (RFQ) and these quotations must be confirmed by email.

### Processes above €5,000

- 3.22 Where the required budget is approved and in place and a decision to undertake a procurement valued over €5,000 has been agreed, the budget holder must liaise with the OGP to establish if the requirement can be met by an existing, scheduled or bespoke arrangement and establish how best to proceed. The Procurement Officer is available to provide any advice or guidance required. Thereafter, the relevant budget holder in the Courts Service will have responsibility for managing the procurement process, in conjunction with OGP where applicable.

- 3.23 A high-level summary of the steps in the procurement process and of the

---

<sup>14</sup> The OGP recommends estimating the value of recurring spend over a 4-year period.

roles of the OGP and the Courts Service in undertaking a procurement are set out at Appendices 2 and 2a. These are supplemented by Appendices 4 and 4a, which summarise the available approaches to procurement (these are set out in more detail OGP's Public Procurement Guidelines for Goods and Services) and specific issues to consider during a procurement process. Where a contract involves multiple small level transactions, the budget holder must ensure the €50,000 threshold is not breached, otherwise the steps set out in the procurement process for purchases valued between €50,000 and €143,000 apply.

3.24 The budget holder should oversee the procurement process as it progresses to ensure that all key steps have been satisfactorily completed and, at the conclusion of the procurement process, formally confirm that they have been. Three checklists are provided for this purpose – **Appendix 3a** sets out the steps in the procurement process;

- for purchases valued above €5,000 and below €50,000;
- sets out the steps in the procurement process for purchases valued between €50,000 and €143,000; and
- Appendix 3b sets out the steps in the open procedure procurement process for purchases valued over the EU Threshold of €143,000.

#### Framework Agreements

3.25 The OGP has put in place or has access to a substantial number of Framework Agreements<sup>15</sup> for the provision of goods and services to the public service - a list of these is available on the OGP Buyerzone website. The OGP also publishes a Schedule of Planned Arrangements bi-quarterly. Where contract or framework agreements cannot be put in place they may also advertise to generate approved lists (panels) to supply multiple requirements for similar categories of spend (e.g. print services) below EU thresholds. The Key Account Manager (KAM) is available to advise the Procurement Officer whether any of these meet the needs identified or if any are planned that might do so. It is Government policy<sup>16</sup> that public bodies, where possible, should make use of all such central arrangements. Where the Courts Service does not utilise these arrangements, the Budget Holder

---

<sup>14</sup> Framework Agreements are umbrella agreements with one or more suppliers or service providers that set out rules under which specific purchases ("call off" contracts) can be made during the term of the agreement. Their most appropriate use is where the Courts Service has a repeated requirement for goods or services, but the exact quantities are unknown. They can be placed by the Courts Service or the OGP and they can be with a single supplier or multiple suppliers. The maximum duration of an agreement is normally four years and the terms and criteria for awarding contracts under a Framework Agreement must be published at the outset and must not change. "Mini competitions" are where awards are made based on a further competition by inviting all framework members on the Framework to participate – this is done by way of the issue of a Supplementary Request for Tender (SRFT). Framework clients can also directly draw-down goods or services in accordance with the rules set out in the Framework Agreement.

<sup>16</sup> See DPENDR/OGP [Circular 09/24](#): Reporting on the use of Centralised Procurement Arrangements. The Courts Service will maintain a list for information purposes

must inform the Procurement Officer for not doing so as the Courts Service must maintain a list of these procurements.

### Managing Risk

- 3.26 The risks associated with a procurement process must be specifically assessed, having regard to the Courts Service's overall Risk Management Policy. This should be done where: the value of the purchase is high<sup>17</sup> (i.e. over €50,000, excluding VAT); the procurement process is complex; adverse consequences could significantly affect the Courts Service's operation; and delivering the Court Service's core services is significantly affected. The risk should be included in the Court Service's Risk Register where considered appropriate.
- 3.27 When risk is being considered with respect to procurement, the Contract Owner should ensure that risk is assessed in relation to each category of goods and services with reference, for example, to: the nature of the supply market, e.g. does it favour the buyer or the supplier; the probability of supply failure; the impact on the Courts Service of supply failure; and the strategic importance to the Courts Service.

### Issuing Payments on Foot of a Procurement Process

- 3.28 The Contract Owner **must** ensure that as soon as there is a contractual obligation to pay a third-party supplier, on foot of a procurement process regardless of value, the relevant financial commitment is captured on the financial management system by sending the relevant paperwork to Financial Shared Services. This will be completed by raising a purchase requisition (NSSO System) or a purchase order via the current Oracle FMS system. This is essential and Purchase Order or relevant paperwork compliance by Directorate or Office is the subject of regular reporting to the Senior Management Team. An intelligible, plain language, jargon free description must be inputted when setting up all Purchase Orders. This is for both management and audit purposes and will reduce the number of avoidable queries to budget holders.

### Monitoring and Reporting

- 3.29 The Courts Service is obliged to maintain documentation, for a minimum of three years<sup>18</sup> from the date of the award of a contract, to record the progress of all procurement procedures, whether or not they are conducted by electronic means, and to justify decisions taken at all stages of the

---

<sup>17</sup> Where the risk associated with the goods/services being procured is high, a signed/executed contract (which includes the OGP's standard contract terms) should be used, even in cases where the value of the procurement is below €50,000. In the case where the Budget Manager/Contract Manager is at AP level, they should liaise with the relevant PO in relation to entries for the Risk Register.

<sup>18</sup> The Courts Service Data Retention Policy & Procedures states that, the majority of CS administrative records are subject to disposal after a period of 3 to 10 years. Refer to document for further information which can be found on the Intranet

procurement procedure, including the following:

- communications with tenderers and internal deliberations;
- preparation of the procurement documents;
- dialogue or negotiation, if any; and
- selection and award of the contract. The Courts Service (subject to EU and national law obligations) is also required, at least for the duration of the contract, to keep copies of, and grant access to, all concluded contracts with a value equal to or greater than €1,000,000 in the case of goods and service contracts.

3.30 The Courts Service must ensure that all contract award procedures include a verifiable audit trail and that where a competitive process was not deemed appropriate, this is clearly recorded. Where it is proposed to award a contract without a competitive process or extend an existing contract beyond its contract date/duration, a derogation must be sought in advance from Internal Audit Unit and the Procurement Officer must be notified before proceeding. Where such a contract is awarded and the value exceeds €25,000, [Department of Finance Circular 40/02](#) requires the Courts Service to send an annual report<sup>19</sup> signed by the Accounting Officer to the Comptroller and Auditor General explaining why a competitive process was not used.

3.31 Regulation 84 of the 2016 Regulations requires the Courts Service to prepare a written report for every contract above the EU threshold of €143,000.<sup>20</sup> This report must be lodged in the project file and must contain the information set out in Appendix 5a. Under DPENDR/OGP Circular 05/23, buyers are required to publish Contract Award Notices for all contracts over €25,000 on e- Tenders on completion of the award. To the extent that the Contract Award Notice contains the information required under this Regulation, the Courts Service may refer to that notice.

#### Ensuring Value for Money

3.32 All signed/executed contracts regardless of value, and any informal (offer and acceptance) contracts over €5,000 entered that involve an ongoing maintenance element or where the supply involves ongoing liaison with the supplier, should be actively and effectively managed and monitored by the Contract Owner to maximise value for money (VFM). The following are standard steps that should be followed in managing a contract:

- have a programme of checking goods or services against the contract specification;
- ensure that there are regular procedures for reporting and for identifying inadequacies/poor performance and appropriate remedial action;

---

<sup>19</sup> See Appendix A of Department of Finance Circular 40/02 for the format involved.

<sup>20</sup> This applies also in respect of Framework Agreements (other than mini-competitions), and on the establishment of every Dynamic Purchasing System.



- maintain a record of supplier performance; and review<sup>21</sup> the whole procurement process at the conclusion of the contract, not just the supplier's performance but also the effectiveness of the earlier stages. This review process can provide information for future procurements in respect of developing and specifying needs, supplier selection and contract management.

### Contracts Register

- 3.33 It is essential that monitoring and reporting obligations in relation to contracts entered into by the Courts Service can be met. With regard to any consultancy or any signed/executed contract regardless of value, or any informal (offer and acceptance) contract over €5,000, <sup>22</sup> the details set out at Appendix 7 must be uploaded on in the Courts Service Contracts Register. Documents held locally must also be made available to the Courts Service's procurement officer upon request for audit purposes.
- 3.34 Entries in the Contracts Register will be used to:
- Inform the annual Procurement Plan which is presented quarterly to CEO, Senior Management Team, Finance Committee (FC) and Audit & Risk Committee (ARC)
  - Inform the Corporate Procurement Plan
  - provide background information to the Head of Finance to assist in the preparation of the Value for Money (VFM) Report<sup>23</sup> when requested.

### **Maintaining files during the procurement process**

- 3.35 A file should be opened on the, in line with the Courts Service Business Filing Rules, in respect of each procurement process commenced for goods or services valued over €5,000. The electronic record keeping process should be in a structured way. Each file should be clearly titled and marked

---

<sup>21</sup> It should be noted that the Courts Service is expected, as a matter of good practice, to put in place formal arrangements to ensure that all projects with a cost equal to or in excess of €1 million are subject to a post-implementation review, carried out within one year of project completion (with external support in necessary) to determine if the benefits of the project have been achieved as envisaged, that the Courts Service is extracting the maximum value from the deliverables of the project. Such a review should also consider if there are lessons to be learned for the commissioning of future projects

<sup>21</sup> An informal (offer and acceptance) contract arises where following an RFQ (either verbal or written) A Courts Service official confirms in writing to the supplier of the goods or services (usually by email) that the Courts Service accepts the terms that the supplier has offered. Such contracts don't normally include detailed contractual terms between the parties. It is not intended that the Register will record contracts for the supply of products/goods where that supply does not involve an ongoing maintenance element or where the supply does not involve ongoing liaison with the supplier.

<sup>23</sup>The VFM Report addresses the following issues: Description of Project/Date Approved/Target Date for Completion; Project Manager; Cost Estimate at the start of the contract; Total Payments to (June/December); Estimated Completion Cost; Is the project on time, within budget and being progressed in accordance with relevant guidelines?; Is VFM being obtained?; Expected benefits to be derived from expenditure on the project.



with the topic “procurement” and all emails, correspondence etc. in relation to the process must be stored on that file. It should be noted that e-Tenders provides a detailed audit trail of the procurement process from contract notice through to award notice and contract management. A checklist for the procurement file and any contract file opened is provided at Appendix 5.

- 3.36 When a procurement file is opened, full access to it (and to any relevant physical folders or files opened) must be provided to the Procurement Officer or Internal Audit to allow for the carrying out of internal reviews of a random sample of procurements as needed.
- 3.37 If a formal contract is entered into on foot of a procurement process, a separate folder must be created on the procurement file to hold an electronic copy of the final, signed, contract. All contract documents must be uploaded onto the Contracts Register, as the Procurement Officer has full access to this. The original signed copy of the contract can also be held on an official, physical, file.

## **4.0 Roles and Responsibilities**

### **Contract Owner**

- 4.1 A Contract Owner shall have oversight of the procurement process for goods or services. The Principal Officer with responsibility for the Directorate or Office budget that the proposed procurement is to be paid from is the Contract Owner in the case of procurements valued over €50,000, unless this role is otherwise formally assigned. The relevant Assistant Principal level in the Directorate or Office shall be the Contract Owner in respect of purchases below €50,000, unless otherwise this role is otherwise formally assigned.
- 4.2 The Contract Owner will take full responsibility for the procurement process and ensuring that there is appropriate liaison with the Procurement Officer, the person nominated by the OGP to provide procedural advice and assistance, and the Chief State Solicitor’s Office (CSSO) if required. The Contract Owner may delegate some of the tasks in the procurement process but they must retain overall responsibility and must sign-off on all key outputs.
- 4.3 The Contract Owner has specific responsibility, as appropriate, for:
- ensuring that the necessary approvals have been granted prior to commencement of the procurement — this may involve completion of a procurement request and/or cost benefit analysis, ensuring there is available budget and conducting a risk assessment;
  - ensuring that there is adequate amount of time provided for

the procurement process;

- ensuring that a procurement file is opened for each proposed procurement over €5,000 (excluding VAT), in line with the Court Service's Business Filing Rules, and that all correspondence, emails, approvals, procurement documentation, and contracts etc. are appropriately filed;
- liaising with the OGP regarding the use of existing Framework Agreements and with the OGP and the Chief State Solicitors Office (where necessary) regarding standard contracts and tender documents;
- ensuring RFQ specifications reflect fit-for-purpose standards and have clearly defined performance targets;
- ensuring compliance with the procurement rules, including ensuring:
  - that the correct template tender documentation is accurately completed and does not contain conflicting requirements on issue;
  - that appropriate qualification and award criteria are used;
  - that late tender submissions are never accepted;
  - that a Contract Award Notice is published when required; and
  - that legally compliant standstill letters are drafted and issued where appropriate and that the standstill period is observed when required;
- checking and challenging the scoring and commentary from the Tender Evaluation Team and ensuring the accuracy of all statements of facts and claims made;
- ensuring tender evaluation reports relating to procurement are complete and accurate;
- reporting any concerns or perceived bias to or against any tenderer to the Procurement Officer;
- ensuring that formal contracts are notified to the Procurement Officer for inclusion on the Contracts Register;
- ensuring that Purchase Order requirements are adhered to;
- ensuring that contracts entered into are actively and effectively managed and monitored to maximise value for money; and
- ensuring that documents in relation to contract closure are retained and available for a benefits realisation and that a formal post project review and evaluation is carried out in respect of procurements valued over €1 million.

#### **Procurement Officer**

- 4.4 The Courts Service is required to have a nominated Procurement Officer under Department of Finance Circular 40/02. The Procurement Officer for the Courts Service is an assigned AP within the Finance Unit.

- 4.5 As noted above, the Contract Owner will have oversight of the procurement process in their area of responsibility and will liaise with the Procurement Officer.

The **Procurement Officer** has responsibility for:

- liaison with the OGP and the Key Account Manager (KAM) in particular, including sharing OGP communications with staff;
- providing advice as and when required to staff procuring goods and services to assist them in complying with this policy;
- carrying out random internal reviews, including discussion as necessary with the Budget / Contract Manager to ensure that Directorate or Office comply with this policy including in relation to:
  - the prevention and remediation of conflicts of interest and bias issues, including acceptance of gifts and bribes and collusive tendering;
  - the opening and registering of tenders;
  - the conduct of evaluations by Tender Evaluation Teams; and
  - the creation and maintenance of procurement documentation and files;
- reporting any procurement issue which gives cause for concern to the CEO;
- ensuring the Contracts Register is kept up to date by Directorate or Office to assist the Head of Finance in the preparation of reports;
- liaising with the Finance Team to obtain reports on expenditure as a tool to assist compliance with the requirements of this policy;
- preparing the 40/02 Annual Return for the CEO where required, for issue to the C&AG; preparing the annual Procurement Plan in conjunction with Directorate or Office and the Head of Finance;
- providing reports to the Senior Management Team (SMT), Audit and Risk Committee (ARC), Finance Committee (FC) and The Courts Service Board as appropriate as agreed in relation to procurement activity in the Courts Service;
- All procurement must be conducted in line with the Finance Unit instructions, for approvals etc. and a valid contract must be in place before commitments are given to obtain goods or services.

### **Procurement Coordinator**

The role of the Procurement Coordinator is to be the first point of contact on all procurement matters **locally**.

- They will liaise with the Procurement Officer on all tenders valued between €5,000 and €50,000.
- Notify and engage the Procurement Officer of all contracts required valued in excess of €50,000

- Assist in maintaining the contracts register
- Provide commentary/other information when required

### **Tender Evaluation Team**

- 4.6 The Tender Evaluation Team assembled by the Contract / Budget Manager will evaluate all tenders in a fair and unbiased fashion and in strict compliance with the evaluation methodology and the qualification and award criteria set out in the tender documents.
- 4.7 Staff involved in the evaluation of a tender as part of a procurement process must sign the Court Service's Declaration Regarding Conflict of Interest and Confidentiality Undertaking - see Appendix 6 - except where the tender process is being managed by the OGP, in which case they must sign a similar declaration for the OGP.

### **Head of Finance**

- 4.8 The Head of Finance has responsibility for:
- monitoring and reporting to the Senior Management Team on Purchase Order compliance by Directorate or Office;
  - ensuring Directorate or Office's remain within agreed expenditure profiles;
  - liaising with the Procurement Officer to provide reports on expenditure as a tool to assist compliance with the requirements of this policy;
  - liaising with the Procurement Officer to produce the annual Procurement Plan; and
  - preparing VFM report when required.

### **Governance**

- 4.9 The Procurement Officer will provide information to the CEO, SMT, FC, ARC and the Courts Service Board as required.

### **Office of Government Procurement**

- 4.10 Through the provision of professional procurement services and advice, the OGP seeks to ensure that the Public Service can efficiently and effectively access the best value goods and services in a legally compliant manner thus enabling the provision of superior public services. The goals of the OGP are to:
- Deliver better value and sustainable savings for the taxpayer;
  - Integrate procurement policy, strategy and operations;
  - Enable consistency and standardise the approach to public procurement;
  - Deliver broader policy goals in a consistent fashion; and

- Strengthen procurement spend analytics and data management.

- 4.11 The OGP has assigned a Key Account Manager to liaise with the Courts Service's Procurement Officer in relation to Framework Agreements available to the Courts Service to draw down from and as key point of contact for the provision of OGP updates and changes in Regulations.
- 4.12 The Key Account Manager will work with the Procurement Officer to understand the Courts Service's procurement requirements and provide guidance on accessing OGP's current and planned arrangements that meet these requirements. The KAM can also work with the Procurement Officer to identify future Court Service requirements where OGP may provide a bespoke service. The KAM and OGP Helpdesk are also available to the Procurement Officer in answering general procurement related queries and can provide general advice.

## 5.0 Implementation and Education

- 5.1 This policy will be uploaded to the intranet. The Procurement Officer, Finance Unit will provide advice and assistance on implementation as required.
- 5.2 Where a member of staff considers they require formal procurement training, they should contact the Procurement Officer for advice.

## 6.0 Sanctions

- 6.1 Any failure to adhere to this policy would be a serious matter and would be addressed in the context of the day-to-day management of staff performance by the relevant member of the Senior Management Team.

## 7.0 Related documentation

- 7.1 This policy should be considered in conjunction with documents mentioned at the following sections:
- Section 3.2: OGP Guidelines;
  - Section 3.8: **Circular 05/2023**: Initiatives to assist SMEs in Public Procurement
  - Section 3.10: Court Service's Record Management Policy
  - Section 3.25: **Circular 09/2024**: Reporting on the use of Centralised Procurement Arrangements
  - Section 3.26: **Circular 05/2023**: Initiatives to assist SMEs in Public Procurement
  - Section 3.28: Risk Management Policy
  - Section 3.32: Department of Finance **Circular 40/02**
  - Section 3.37: Courts Service Business Filing Rules

## **8.0      Contacts**

- 8.1      If you have any queries on this policy, please contact the Procurement Officer in the Finance Unit (procurement@courts.ie).

## **9.0      Evaluation and Review**

- 9.1      This policy will be reviewed on a periodic basis in line with the review date identified on the policy unless a need to update the policy is identified (e.g. changes in technology, an audit, changes in best practice). Outcomes of any review will be reported to the Head of Finance.

## **10.0   Appendices**

## **Appendix 1: Procurement Procedures**

The Procurement Procedures to be followed, as prescribed by the Courts Service 's Policy in line with relevant legislation and guidance, vary according to the value of the contract. Below is a summary of Procurement Procedures:

**Please note that all thresholds listed below are exclusive of VAT.**



Below €5,000	€5,000 - €25,000	€5,000 - €50,000	€25,000 – EU threshold (€143,000)	Above EU threshold (€143,000)
<b>3 Quotes</b>	<b>5 Quotes</b>	<b>5 Quotes</b>	<b>eTenders</b>	<b>eTenders &amp; OJEU</b>
email request Or RFQ Template	RFQ Template	RFQ Template	Courts Service Template CFT document	Courts Service Template CFT document
Confirmed in writing/email	Email response	Email response or eTenders	Issue Tender through eTenders post-box	Issue Tender through eTenders post-box
1 – 2 weeks to respond	14 – 28 days to respond	14 – 28 days to respond	21-28 days to respond	Generally 35 days Open Competition
Lowest Price	Lowest Price or MEAT	Lowest Price or MEAT	Usually MEAT	Usually MEAT
Select lowest price	Evaluate offers against specification, selection & award criteria	Evaluate offers against specification, selection & award criteria	Evaluate offers against specification, selection & award criteria	Evaluate offers against specification, selection & award criteria
Email Results Oral debrief over the phone	Email Results Oral debrief over the phone	<b>Note:</b> If contract is under €25,000 Email Results & oral debrief over the phone	Standstill period of 14 days recommended by CSSO Issue standstill notices	Standstill period of 14 days recommended by CSSO Remedies Directive applies Issue standstill notices
		<b>Note:</b> If contract is over €25,000 and under €50,000. Contract notice must be published on eTenders. Circular 05/23 refers	Publish Award Notice on eTenders	Publish Award Notice on eTenders

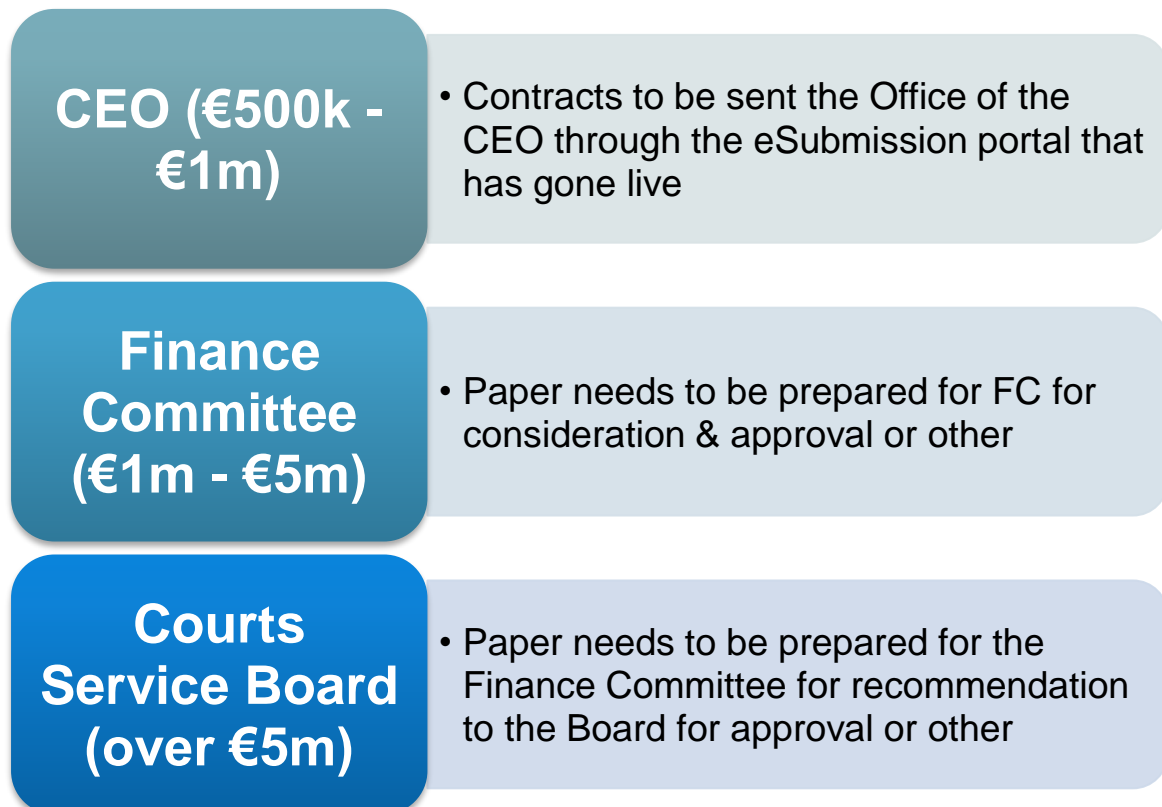
## Appendix 1a: Contract Approval Limits

The Procurement Procedures to be followed, as prescribed by the Courts Service 's Policy in line with relevant legislation and guidance, vary according to the value of the contract. Below is a summary of Thresholds for Contract Signing and Governance and Contract Signing:

Procurement Authority Levels							
Authority Levels							
Tendering Process	Courts Service Board	Finance Committee	CEO / Nominee	Head of Directorate	Principal Officer	Assistant Principal Officer	Higher Executive Officer
Initiator			€1.0m +	< €1.0m	< €0.150m	< €0.080m	< €0.025m
Opening <sup>1</sup>				€0.500m +	< €0.500m	< €0.200m	< €0.100m
Approval – General <sup>2</sup>	€5.0m +	< €5.0m	< €1.0m	< €0.500m	< €0.150m	< €0.080m	< €0.025m
Approval - Consultancy	€0.500m +	< €0.500m	< €0.100m				
Signing			€0.500m +	< €0.500m	< €0.150m	< €0.080m	< €0.025m
<sup>1</sup> A minimum of two officials must be present when opening tender response. Officials should be at least of HEO grade.							
<sup>2</sup> For approval of contracts the approver cannot be involved in the tender evaluation process							
The thresholds stated above represent the approval value “Up To” that level, unless otherwise stated.							

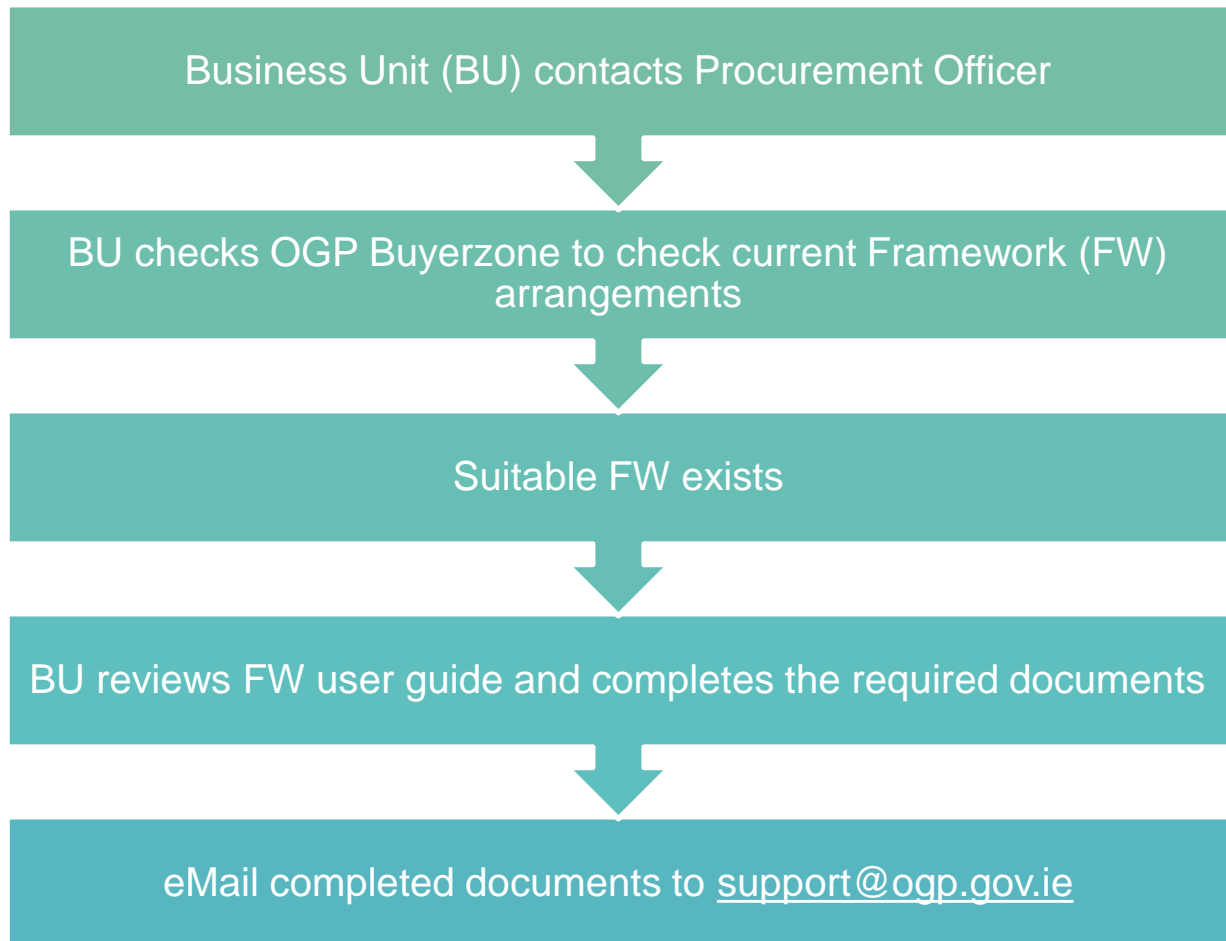
## Appendix 1b: Governance Contract signing Approval

The Procurement Procedures to be followed, as prescribed by the Courts Service 's Policy in line with relevant legislation and guidance, vary according to the value of the contract. Below is a summary of Thresholds for Contract Signing and Governance and Contract

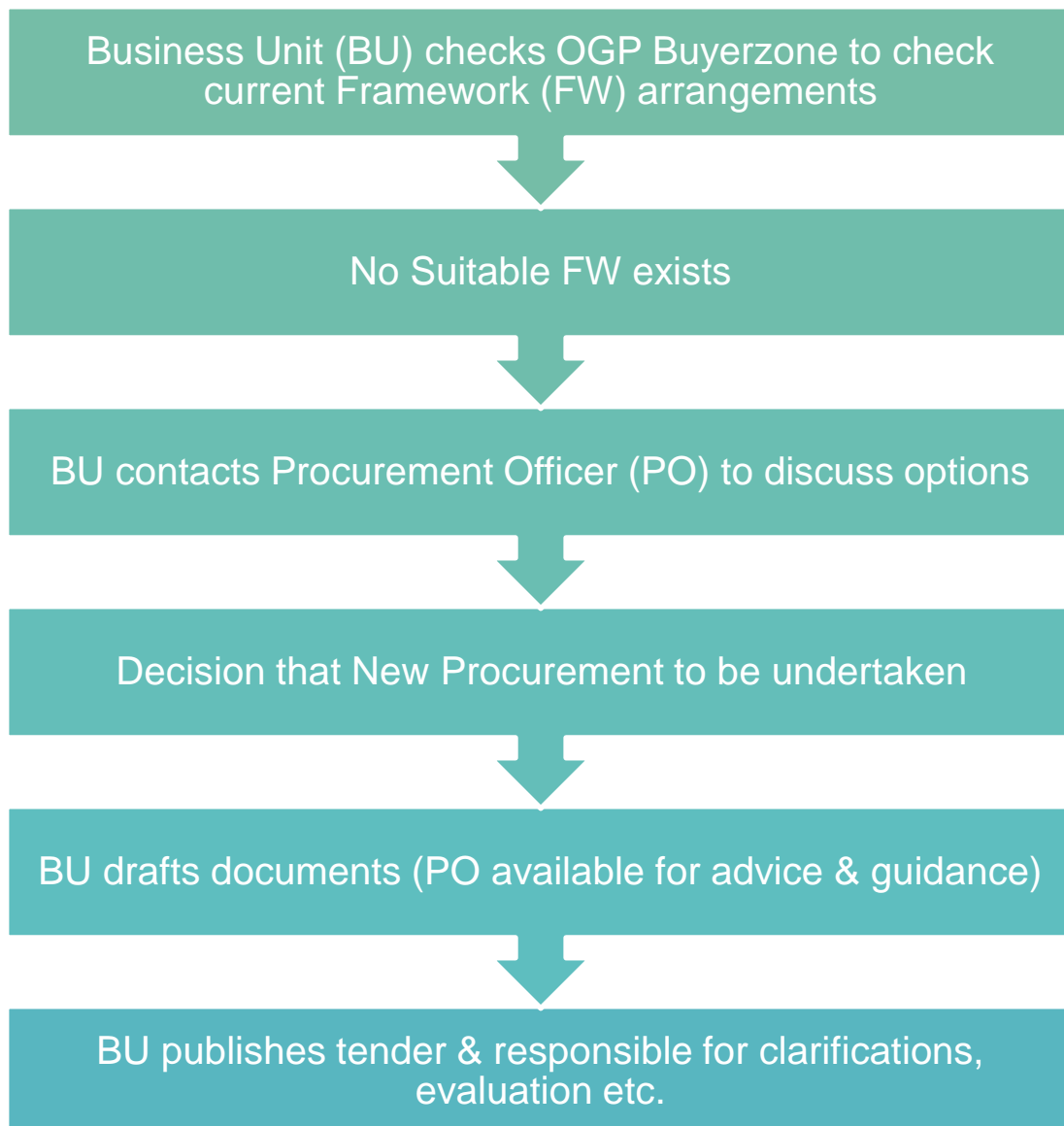


## Appendix 2: Summary of Steps in the Procurement Process

### Steps when an OGP Framework exists



## Steps when an OGP Framework doesn't exist



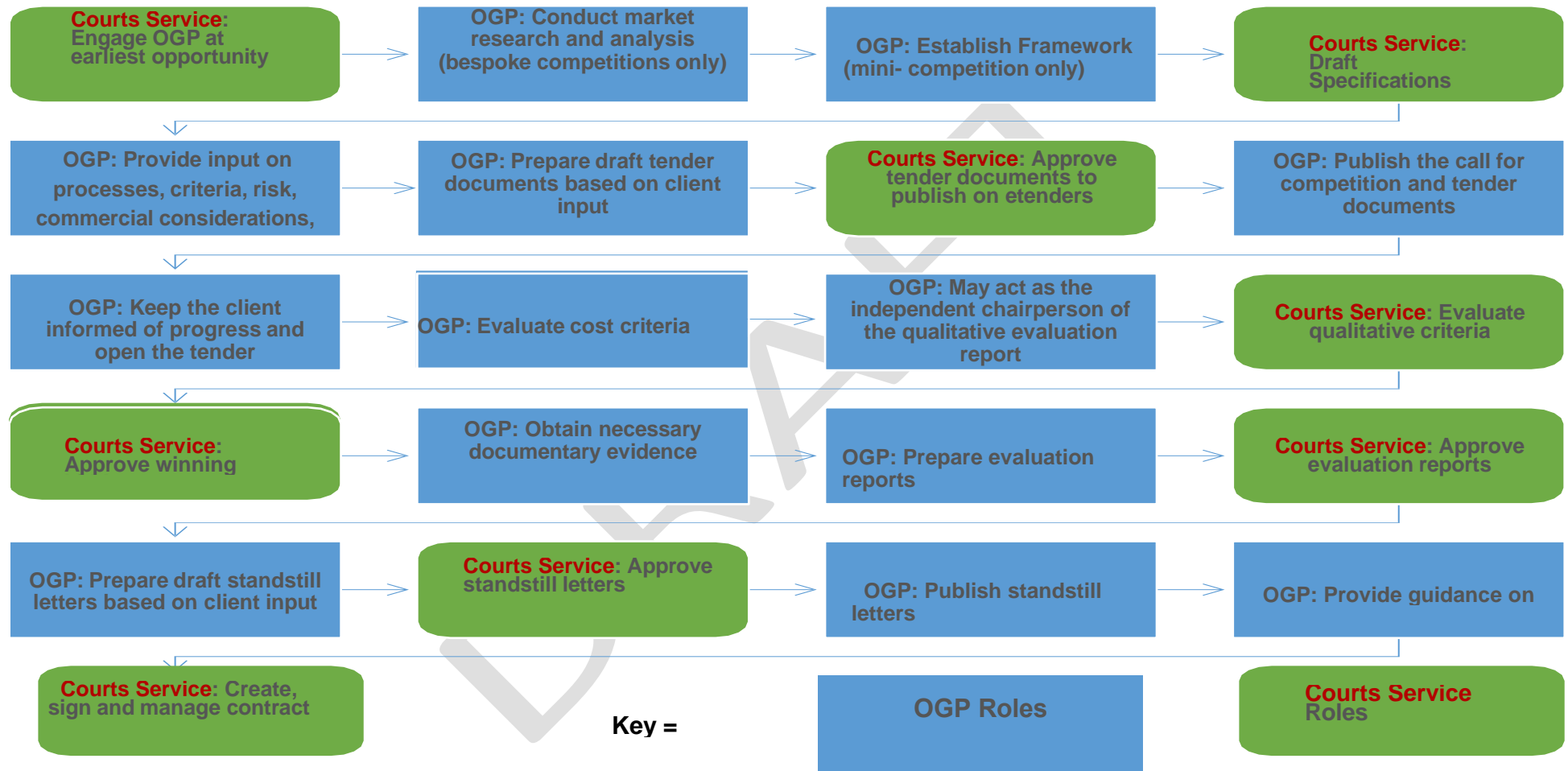
## **Appendix 2a: The OGP Bespoke and Mini- Competition Procurement Process and Roles**

The OGP processes for Bespoke and Mini-Competition Procurement are outlined on the following page.

The graphic sets out the roles of the OGP and the Courts Service in undertaking a bespoke competition and in conducting a mini- competition on foot of an existing framework agreement.

Note- OGP facilitates bodies to run their own bespoke competitions in certain circumstances and the Courts Service conducts some bespoke competitions on its own behalf.

## Roles of the OGP and the Courts Service





## Appendix 3: Procurement process steps for purchases valued above €5,000 and below €50,000 (excluding VAT)

### Background

Contracts for goods or services valued under €500 (excluding VAT) may be purchased directly, subject to the proviso that, where feasible, a Framework Agreement put in place by the OGP is utilised or, where a Framework Agreement is not available, a verbal quotation (RFQ) is sought from at least three competitive suppliers.

Assuming there is no suitable Framework Agreement in place, contracts for goods and services with an estimated value of between €500 and €5,000 (exclusive of VAT) can be purchased on the basis of a **verbal Request for a Quotation** (RFQ) from at least three competitive suppliers, confirmed by email. Selection from among the quotes received should be made on the basis of lowest price/most suitable quote.

Assuming there is no suitable Framework Agreement in place, contracts for goods and services with an estimated value between €5,000 and €50,000 (exclusive of VAT) can be awarded on the basis of responses received to a **written Request for Quotation** i.e. a written specification issued by email to at least three competitive suppliers or service provider. Consideration should be given to using the OGP's [Quick Quotes facility on eTenders](#) to search for appropriate suppliers using Common Procurement Vocabulary (CPV) codes <sup>24</sup>which match the particular procurement requirements. Offers must be evaluated objectively against specified requirements, using a weighted scoring sheet.

Contract award notice (CAN) must be published on eTenders for contracts awarded between €25,000 - €50,000. A CAN must also be published on eTenders when you award a contract from a Framework Agreement that we utilise from another Contracting Authority or our own, i.e. we run a mini competition from an existing FW and award a contract on foot of the competition.

The key steps:

1. Open a procurement file and retain all relevant correspondence, emails etc.
2. Develop an agreed procurement request.
3. Develop a realistic estimate of the value of all phases of the service or the goods to be procured to determine the procedures to be followed.
4. Confirm budget is in place and approval to proceed has been obtained.
5. Consider conducting a project risk assessment.

---

<sup>24</sup> The CPV is a detailed system of codes for describing works, goods and services to be advertised in the OJEU.

6. Notify the Procurement Officer.
7. If a Framework Agreement can be used, review the Framework Guide provided on the OGP website, complete the documents required (these differ depending on whether a Mini- Competition is required or if a Direct Drawdown is possible) and email them to [support@ogp.gov.ie](mailto:support@ogp.gov.ie) and copy to the OGP Key Account Manager.
8. If there is no available Framework Agreement, for values from €5,000 to €50,000, seek to obtain<sup>25</sup> 3 written competitive quotations by sending (by email) **a written specification** of requirements to potential suppliers (The RFQ must state the rules of the procedure, including the criteria for awarding the contract).<sup>26</sup>
9. Answer any clarification queries tenderers may have
10. Evaluate against specified requirements, using a weighted scoring sheet.<sup>27</sup> An Evaluation Committee may be established for this purpose if the Budget / Contract Manager considers it appropriate. Maintain a signed record of the evaluation.
11. Check if the supplier is Tax Compliant.
12. Notify unsuccessful bidders by letter.
13. Execute contract where appropriate and issue Confidentiality Agreement
14. Publish a CAN on eTenders for contracts awarded between €25,000 - €50,000
15. Advise the Procurement Officer of details of any contract entered into and update the Contracts Register with the relevant details.
16. It is prudent that when multiple small level transactions are being made, checking is in place by the contract owner to ensure the €50,000 threshold is not breached.
17. Monitor quality of goods and services and take any action necessary to ensure VFM for the Department.
18. After the project comes to an end, ensure any learnings are captured for future reference.
19. Complete declaration immediately below to confirm that steps above have been satisfactorily completed in respect of this procurement process and put a soft copy on the procurement file.

---

<sup>25</sup> It will be necessary for the purposes of Audit to be able to provide information that shows that every effort was made to obtain a minimum of 3 written competitive quotes.

<sup>26</sup> The RFQ should include: specification of requirements; award decision (price, or quality and price); closing date for receipt; method of submission; general terms around tax, insurance or other statutory requirements.

<sup>27</sup> Sample award criteria for a service contract include: ultimate cost, methodology for the delivery of the service, the quality, quantity and balance of resources offered for the contract: the project plan, reliability and continuity of supply; and quality assurance programme implemented for the contract.

### Declaration by the Contract Owner

<b>Description of Procurement Project/Exercise:</b>	
---	--

**I hereby confirm that the steps above have been satisfactorily  
completed in respect of this procurement process.**

Name (Block Capitals)	
Signature	
Date	
Position	

## Appendix 3a: Procurement process steps for purchases valued between €25,000/€50,000<sup>28</sup> and €143,000 (ex VAT)

### Background

If there is no suitable Framework Agreement in place, contracts or purchases valued over €25,000/€50,000 may be procured by seeking a **Call for Tender (CFT)** i.e. through a formal tendering process on e-Tenders using the Open Procedure in line with DPENDR/OGP Circular 05/23.

The key steps:

1. Open a procurement file and retain all relevant correspondence, emails etc.
2. Develop an agreed procurement request or Cost Benefit Analysis.
3. Develop a realistic estimate of the value of all phases of the service or the goods to be procured to determine the procedures to be followed.
4. Confirm budget is in place and approval to proceed has been obtained.
5. Conduct a project risk assessment.
6. Notify the Procurement Officer who will provide advice if required
7. Check if OGP Framework Agreement is in place and can be utilised.
8. If a Framework Agreement can be used, review the Framework Guide provided on the OGP website, complete the documents required (these differ depending on whether a Mini- Competition is required or if a Direct Drawdown is possible) and email them to [support@ogp.gov.ie](mailto:support@ogp.gov.ie)
9. If there is no available Framework Agreement, draw up CFT documentation in conjunction with Procurement Officer if required. Agree weighting of award criteria. <sup>29</sup>
10. Prepare CFT and Tender Response Document (TRD) for publication on e-Tenders
11. Establish a Tender Evaluation Team to assess tenders prior to publication as the code of conduct needs to be accepted/rejected online
12. Establish who will be opening the tenders online and assign them Opening Staff (OS) access
13. Publish the CFT on e-Tenders - a minimum of three weeks should be allowed for submission of tenders.
14. Answer any clarification queries tenderers may have.
15. Open the tenders via the eTenders platform with the assigned personnel

---

<sup>28</sup> This figure is wholly dependent on the value of the potential contract. Please contact the Procurement Officer for more information

<sup>29</sup> Sample award criteria for a service contract include ultimate cost, methodology for the delivery of the service, the quality, quantity and balance of resources offered for the contract; the project plan, reliability and continuity of supply and quality assurance programme implemented for the contract.

- (at least two)
16. Download the documents as the Directorate or Office needs to perform a compliance check
  17. Reject tenders not meeting CFT requirements/selection criteria<sup>30</sup>
  18. Directorate or Office issues the relevant documentation to the members of the Evaluation Team
  19. Evaluate using weighted criteria sheet and select highest scoring tender.
  20. Check if Supplier is Tax Compliant.
  21. Notify/debrief unsuccessful bidders — use model letters provided at Appendix III of OGP Guidelines.
  22. Publish a Contract Award Notice<sup>31</sup>
  23. Execute the Contract and issue Confidentiality Agreement
  24. Advise the Courts Service Procurement Officer of details of any contract entered into.
  25. Prepare a Regulation 84 Report
  26. Monitor quality of goods and services and take any action necessary to ensure VFM for the Department.
  27. Carry out a post project review and evaluation.
  28. Complete declaration immediately below to confirm that steps above have been satisfactorily completed in respect of this procurement process and put a soft copy on the procurement file.

---

<sup>30</sup> Note: At the selection stage, the Courts Service is required to exclude from further consideration any tenderers who have been convicted of specified offences. Where a tenderer is not excluded, they are assessed based on information concerning their suitability to pursue a professional activity, economic and financial standing and/or as technical capacity and ability. Details in these regards, along with information on dealing with consortia and subcontractors, are set out in the OGP Guidelines

<sup>31</sup> Under DPNDPR/OGP [Circular 05/23](#), buyers are required to publish Contract Award Notices for all contracts over €25,000 on e- Tenders on completion of the award.

**Declaration by the Contract Owner**

<b>Description of Procurement Project/Exercise:</b>	
---	--

**I hereby confirm that the steps above have been satisfactorily completed in respect of this procurement process.**

Name (Block Capitals)	
Signature	
Date	
Position	

## Appendix 3b: Procurement process steps for purchases valued over €143,000 (ex VAT)

### Background

For contract or purchases above the EU threshold of €143,000, the Contract Owner must contact the Procurement Officer to ascertain if there is an OGP Framework in place or planned that would address their requirement. If there is not, the Contract Owner must complete a Procurement Request (PR) form to initiate a bespoke procurement.

Contracts or purchases valued over €143,000 may be procured by seeking a **Call for Tender** (CFT) - i.e. through a formal tendering process on e-Tenders using the Open Procedure.

The key steps:

1. Open a procurement file and retain all relevant correspondence, emails etc.
2. Develop an agreed procurement request or Cost Benefit Analysis.
3. Develop a realistic estimate of the value of all phases of the service or the goods to be procured to determine the procedures to be followed.
4. Confirm budget is in place and approval to proceed has been obtained.
5. Conduct a project risk assessment.
6. Notify the Procurement Officer who will provide advice if required
7. Check if OGP Framework Agreement is in place and can be utilised.
8. If a Framework Agreement can be used, review the Framework Guide provided on the OGP website, complete the documents required (these differ depending on whether a Mini- Competition is required or if a Direct Drawdown is possible) and email them to [support@ogp.gov.ie](mailto:support@ogp.gov.ie)
9. If there is no available Framework Agreement, draw up CFT documentation in conjunction with Procurement Officer if required. Agree weighting of award criteria.<sup>32</sup>
10. Prepare CFT and Tender Response Document (TRD) for publication on e-Tenders
11. Establish a Tender Evaluation Team to assess tenders prior to publication as the code of conduct needs to be accepted/rejected online
12. Establish who will be opening the tenders online and assign them Opening Staff (OS) access
13. Publish the CFT on e-Tenders - the minimum time limit for receipt of tenders is 35 days
14. Answer any clarification queries tenderers may have.

---

<sup>32</sup> Sample award criteria for a service contract include: ultimate cost, methodology for the delivery of the service, the quality, quantity and balance of resources offered for the contract; the project plan, reliability and continuity of supply and quality assurance programme Implemented for the contract.

15. Open the tenders via the eTenders platform with the assigned personnel (at least two)
16. Download the documents as the Directorate or Office needs to perform a compliance check
17. Reject tenders not meeting RFT requirements/selection criteria<sup>33</sup>
18. Directorate or Office issues the relevant documentation to the members of the Evaluation Team
19. Evaluate using weighted criteria sheet.
20. Notify/debrief unsuccessful bidders and hold the mandatory standstill period using the model letters
21. Issue a Contract Award Notice
22. Send Contract Award Notice to OJEU via e-Tenders
23. Execute the Contract and issue Confidentiality Agreement
24. Advise the Procurement Officer of details of any contract entered into.
25. Prepare a Regulation 84 Report
26. Monitor quality of goods and services and take any action necessary to ensure VFM for the Department.
27. Carry out a post project review and evaluation.
28. Complete declaration immediately below to confirm that steps above have been satisfactorily completed in respect of this procurement process and put a soft copy on the procurement file.

---

<sup>33</sup> Note: At the selection stage, the Courts Service is required to exclude from further consideration any tenderers who have been convicted of specified offences. Where a tenderer is not excluded, they are assessed based on information concerning their suitability to pursue a professional activity, economic and financial standing and/or as technical capacity and ability. Details in these regards, along with information on dealing with consortia and subcontractors, are set out in the OGP Guidelines.



**Declaration by the Contract Owner**

<b>Description of Procurement Project/Exercise:</b>	
---	--

**I hereby confirm that the steps above have been satisfactorily  
completed in respect of this procurement process.**

Name (Block Capitals)	
Signature	
Date	
Position	

## Appendix 4: Approaches to Procurement

### Purchases below the EU Threshold of €143,000

The OGP Guidelines note that the National Guidelines should be applied in respect of purchases below the EU Threshold <sup>34</sup> (currently €143,000). There are three different approaches set out in the Guidelines, depending on the estimated value of the purchase:

- Goods and services with an estimated value of less than €5,000 (exclusive of VAT) may be purchased on the basis of a minimum of 3 verbal quotes from one or more competitive suppliers;
- Contracts for goods and services with an estimated value between €5,000 and €50,000 (exclusive of VAT) may be awarded on the basis of responses to written specifications (e.g. sent by email) to at least three suppliers or service providers. Consideration should be given to using the OGP's [Quick Quotes facility on eTenders](#) to search for appropriate suppliers using Common Procurement Vocabulary (CPV) codes<sup>35</sup> which match the particular procurement requirements;
- Contracts for goods and or services, with an estimated value of €50,000 (exclusive of VAT) and up to the value of the EU threshold should be advertised as part of a formal tendering process on e- Tenders using the Open Procedure.

### Purchases above the EU Threshold of €143,000

The procurement of all goods and most services contracts require the full application of the public procurement rules in the 2016 Regulations as set out below. It is a legal requirement that contracts with estimated values equal to or above the EU thresholds must be advertised in the OJEU (which may be accessed via e-Tenders) and awarded in accordance with the provisions of the 2016 Regulations. Any infringement of the terms of the Regulations can have serious legal and financial consequences for the Courts Service. The procedures are:

Free Choice procedures – these may be:

- **Open:** this is the most commonly used procedure and involves inviting an unlimited amount of offers. Its main disadvantage is the potential administrative burden of having to examine a large number of tender documents and it may therefore not be appropriate for complex procurements; and
- **Restricted:** this tends to be used where there is a need to pre-qualify suppliers where there is evidence that the number of potential suppliers is

---

<sup>34</sup> The EU Threshold is currently €143,000 (since January 2024) and is revised every two years.

<sup>35</sup> The CPV is a detailed system of codes for describing works, goods and services to be advertised in the OJEU.

very large or the Courts Service wants to limit the number of people who will have access to certain confidential and/or sensitive information. The disadvantage of the procedure is that it takes longer and is sometimes more complicated to run.

Specific Circumstances procedures – these may be:

- **Competitive Dialogue or Competitive Procedure with Negotiation:** These procedures tend to be used in the case of complex high-value projects where certain conditions are met, e.g. a major integrated transport infrastructure project or a large computer networks project (see pages 45–48 of the OGP Guidelines). They are not intended to be used for off-the-shelf goods and services which are available from many different suppliers on the market and the justification for using them must be clearly recorded;
- **Innovative Partnership:** this aims to allow the development of innovative goods, services or works and the subsequent purchase provided that it corresponds to the performance levels and maximum costs agreed between the Courts Service and the participants; and
- **Negotiated Procedure without Prior Publication:** This procedure can only be used in very limited and narrowly defined circumstances, e.g. where no tenders or no suitable tenders or no requests to participate or no suitable requests to participate have been submitted in response to an Open or Restricted Procedure, or where for technical or artistic reasons, or the protection or exclusive rights, the contract can only be carried out by a particular supplier. The burden of proof is on the Courts Service to justify using this procedure. Consequently, prior approval at Assistant Secretary level to award a contract on the basis of this approach must be obtained in all cases.

### Light-touch Regime

The 2016 Regulations introduced a simplified award regime (a “light-touch” regime) for 14 broad categories of services, notably health, social, educational and cultural services, to take into account their specific nature. For more details of the precise services falling within this regime, please refer to Annex XIV of the EU Directive where the relevant CPV codes for these services are set out. The 2016 Regulations only apply to these services for contracts with an estimated value at or above a higher threshold of €750,000. Contracts below this value would typically not attract cross-border interest unless there are concrete indications to the contrary (such as EU financing for cross border projects). Appendix IV of the OGP Guidelines details the rules in relation to the Light Touch Regime.

### Electronic Procurement

Electronic notification and electronic access to tender documents is

currently mandatory and Dynamic Purchasing Systems<sup>36</sup> must currently be operated as a completely electronic process. The Courts Service is not obliged to require electronic means of communication in certain limited circumstances at present (see pages 66–69 of the OGP Guidelines) but where it does not, it must indicate in its report of the procurement process the reasons why it did not do so.

## Framework Agreements

A Framework Agreement is in effect an umbrella agreement with one or more suppliers or service providers that set out rules under which specific purchases (“call off” contracts) can be made during the term of the Framework Agreement. The most appropriate use of a Framework Agreement is where a contracting authority (i.e. the Courts Service) has a repeated requirement for goods or services but the exact quantities are unknown. It is Government policy that public bodies, where possible, should make use of all such central arrangements. Where public bodies do not utilise these arrangements, they should be in a position to provide a value for money justification for not doing so.

Framework Agreements can be placed by an individual contracting authority or a Centralised Purchasing Body such as the OGP; they can be with a single supplier or multiple suppliers. The maximum duration is four years (unless in exceptional circumstances justified by the subject of the Framework Agreement) and the terms and criteria for awarding contracts under a Framework Agreement must be published at the outset and must not change.

Although it is possible to use any one of the five main competitive procedures to put in place a Framework Agreement, in practice the Open and Restricted Procedures are more commonly used.

**“Direct Drawdowns”** are where framework clients can directly draw-down goods or services in accordance with the rules set out in the Framework Agreement. For example, a contracting authority may opt to use a cascade approach for call-off where a contract is always offered first to the first ranked tenderer at the framework award stage and, if this party is not in a position to perform the contract to the second ranked party and so on. Alternatively, the award of contracts may rotate between framework members in a pre-determined order. Care needs to be taken to ensure that whatever method is used is set out in the Framework Agreement and that it is transparent and objective.

**“Mini competitions”** are where awards are made based on a further

---

<sup>36</sup> A Dynamic Purchasing System (DPS) is a completely electronic system which may be established by a body to purchase commonly used goods, works or services which are generally available on the market. It is unlikely to be suitable for one-off, bespoke and/or highly- complex requirements.

competition, inviting all framework members on the framework to participate. This process allows the terms referred to in the specification to be more precisely formulated. This is still subject to the principle that the parties may under no circumstances make substantial amendments to the terms laid down in the Framework Agreement. The call-off contract Award Criteria and the weightings (or weighting ranges) must be clearly stated in the documents sent to framework members in relation to a mini-competition. The mini-competition phase can be fully managed on the e-Tenders system. All of the framework members on the framework capable of performing the contract must be invited to participate in a mini-competition on this basis. Contracting authorities must fix a time limit for submission of tenders which is sufficiently long enough to allow tenders for a call-off contract to be submitted. Tenders must be submitted in writing and shall not be opened until the timeframe for reply stipulated in the supplemental request for tenders has expired. The contracting authority shall award the call-off contract to the best tender on the basis of the Award Criteria specified in the procurement documents for the Framework Agreement.

## **Appendix 4a: Specific Issues to Consider During a Procurement Process**

While the OGP Guidelines set out in detail all the issues to be considered during a formal tender process, the attention of staff is brought in particular to the issues set out below.

### **Preliminary Market Consultations**

The 2016 Regulations explicitly allow the Courts Service to conduct market consultations with suppliers and expert bodies before the start of a procurement process which may facilitate improved specifications, better outcomes and shorter procurement times. It is essential, however, that this practice does not create advantages for certain market players or result in specifications and tender documents being drafted in their favour.

If the market consultation is followed by a tender competition, it is important that there is no basis for any assertion of bias, unfairness, discrimination or lack of transparency. Therefore, the process of obtaining market intelligence must be kept separate from the tendering and award phase of the competition and this process, together with information received during market consultation should be clearly recorded in writing.

### **Small to Medium Enterprise (SME) Participation**

It is open to the Courts Service to sub-divide contracts into lots to facilitate access by SMEs and depending upon requirements, Framework Agreements can be divided into lots based on geography, specialism and/or value. Opting not to divide a contract into lots must be explained in the procurement documents or the report on the procurement process

### **Setting Procurement Criteria**

The Contract Owner must set out all the criteria<sup>37</sup> that will be applied in the procurement award process, together with the relative weightings that it gives to each of the criteria. These criteria will form the basis against which tenders will be comparatively evaluated and are the key to an objective, transparent award procedure. Where it is not possible to provide weightings, the Courts Service must indicate the Award Criteria in descending order of importance.

The Contract Owner should carefully check all documents for completeness, accuracy, and consistency prior to issuing.

---

<sup>37</sup> Contact the Procurement Officer if any advice or guidance is required

## **Communications and Confidentiality**

All communications with the tenderer during a tender process must be through the eTenders portal. If a member of the Courts Service is contacted by a tenderer, they must redirect the tenderer to the eTenders messaging facility. All communications must be in writing only.

The Courts Service procurement policy is based on equality of treatment for all suppliers. All tenderers must be given the same information and must be given equal amount of time to prepare and submit their tenders. If significant additional information or material is supplied to a tenderer, on request or otherwise, it must be supplied to all tenderers in an anonymised manner in the same manner and at the same time.

Subject to the Courts Service's obligations under law and under Freedom of Information legislation, the full confidentiality of tenders should be maintained pending evaluation and the award of a contract.

## **Opening Tenders**

The Contract Owner must ensure that proper procedures are followed for opening tenders to prevent abuse or impropriety. All tenders are received electronically and procedures are in place via the eTenders platform for at least two people to "unlock" the submissions received. Tenders received after the tender deadline should be rejected. Tenderers cannot submit modifications to their tenders after the closing date for receipt of tenders. A report on the tenders received, and details of any tenders rejected and the reasons for the rejection should be produced, signed off by the Contract Owner and issued to the Evaluation team along with the submissions.

## **Conflicts of Interest**

Contracting authorities are required to take "appropriate measures" to prevent, identify and remedy conflicts of interest in the conduct of a procurement procedure to avoid any distortion of competition and to ensure equal treatment of tenderers. 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 the procurement procedure.

Any form of personal interest which may impinge, or might reasonably be deemed by others to impinge, on a public official's impartiality in any matter relevant to his or her duties should be disclosed in writing to line management. Personal interest includes an interest of a relative or

connected person. Line management must then decide if the exercise should be dealt with by another member of staff or seek further advice. Contracting authorities should consider carrying out conflict checks throughout the procurement process e.g. at the Selection Stage, when the identities of the candidates become known. In addition, all members of the evaluating team are required to sign “No Conflict Declarations” at the tender Evaluation Stage.

## **Tender Evaluation**

A Tender Evaluation Team should be assembled by the Contract Owner. Together the team will have the requisite knowledge and experience to evaluate tenders. The team may include independent representation. External experts can be used in complex evaluations to provide advice or recommendations on the technical aspects of the tenders to the evaluation team. Each member of the Evaluation Team must evaluate all tenders in a fair and unbiased fashion and in strict compliance with the evaluation methodology and the qualification and award criteria set out in the tender documents. External experts must sign confidentiality and non-disclosure agreements and comply with any other security or confidentiality requirements of the Courts Service and should return to the Courts Service all documentation, materials and notes received or made during the evaluation.

## **Exclusions from Tendering, Qualifications of Suppliers, Subcontractors**

At the selection stage, the Courts Service is required to exclude from further consideration any tenderers who have been convicted of specified offences. Where a tenderer is not excluded<sup>38</sup>, they are assessed based on information concerning their suitability to pursue a professional activity, economic and financial standing and/or as technical capacity and ability. Details in these regards, along with information on dealing with consortia and subcontractors, set out in the OGP Guidelines.

## **Award Criteria**

Where a tenderer meets the Selection Criteria, and otherwise meets the requirements set out in the CFT (i.e. a compliant tender) then their tender is entitled to be given due consideration under the Award Criteria. Objectivity and transparency are best achieved by the use of a scoring

---

<sup>38</sup> The "European Single Procurement Document" (ESPD) is a self-declaration form introduced under the 2016 Regulations which allows a tenderer to declare that it is not excluded from a competition on the basis of Exclusion Grounds and that it meets the Selection Criteria that have been set.



system or marking sheet based on the weighted criteria, indicating a comparative assessment of tenders under each criterion. In relation to quality<sup>39</sup>, the contracting authority is required to adopt criteria linked to the subject matter of the contract.

In the event that the tender then proves to be the most economically advantageous tender<sup>40</sup> under the Award Criteria, the contracting authority may at any point up to the contract award ask the successful tenderer to reconfirm any of the qualification information.

The Courts Service may at its own discretion decide not to award any contract and to cancel the entire contract award procedure at any time during the procurement process. In doing so it must so notify tenderers of its decision and provide reasons.

### **Green Public Procurement (GPP)**

The Courts Service has a GPP policy<sup>41</sup> which compliments the Courts Service's Annual Procurement Plan and this policy and details the Court's Services' commitment to sustainability through its procurement principles and actions.

### **Clarifications and Presentations**

The Courts Service can in certain circumstances request the tenderer to submit, supplement, clarify or complete information where information submitted by a tenderer appears to be incomplete or erroneous or where specific documents are missing. Legal advice should be obtained before a contracting authority seeks any such clarifications from tenderers.

In Open or Restricted Procedures, tenderers may be asked to make a presentation on their proposals. These presentations should only be used as an aid to understand and for purposes of clarification and cannot be scored unless this is stated in the CFT. Such presentations are not an opportunity for "post tender negotiation" on price or specifications. Negotiations of any kind cannot take place where an Open or Restricted procedure are used.

---

<sup>39</sup> These might include: delivery date or period of completion; delivery process; running costs; cost effectiveness; aesthetic and functional characteristics; accessibility; design for all users; and technical merit.

<sup>40</sup> To identify the most economically advantageous tender, the contract award decision should be based on price, or cost, using a cost- effectiveness approach such as life-cycle costing, or the best price-quality ratio to be assessed on the basis of criteria including qualitative, environmental or social aspects, linked to the subject matter of the contract; and quality only where the cost element is fixed price.

<sup>41</sup> Available on the intranet

## **Abnormally low tenders**

The 2016 Regulations oblige the Courts Service to investigate tenders it considers abnormally low and to seek explanations from suppliers about the price or cost. The Courts Service may reject the tender where the evidence supplied does not satisfactorily account for the low price. Rejection is mandatory in cases where the Courts Service has established that the abnormally low price or costs proposed results from non-compliance with all applicable obligations in the fields of environmental, social and labour applying under national and EU law and relevant international conventions at the place where the works are carried out or the services provided.

## **Tax Compliance**

Before a contract is placed, the supplier or service provider must hold a current Tax Clearance Certificate. This may be verified using Revenue's online service. The prior permission of the applicant must be sought and the customer Tax Clearance Access Number and Tax Reference Number numbers must be supplied to the Courts Service.

## **Award Notices**

Where formal tenders have been received in below threshold competitions, the Courts Service must inform all tenderers of the outcome as soon as possible using the templates available on the intranet. Where an award decision has been made in respect of above threshold competitions, the Courts Service must inform all tenderers of the outcome using a "standstill letter" available at on the intranet.

Under DPNDPER/OGP [Circular 05/23](#), buyers are required to publish Contract Award Notices for all contracts over €25,000 on e-Tenders on completion of the award.

## **Contract Modification and Termination**

A substantial modification of the provisions of a public contract or Framework Agreement during its term will be considered a new award for the purposes of the 2016 Regulations and will require a new procurement procedure. A list of changes specifically permitted during the life of a contract without a new procurement procedure are set out in OGP Guidelines, along with details of the provisions that must be included in all contracts to allow it to terminate the contract in certain circumstances.

## Appendix 5: Maintaining Files on the Procurement Process

A new file should be opened, in line with the Courts Service's Record Management Policy, in respect of each procurement process embarked upon.

Each file should be clearly titled and marked with the topic "procurement" and all emails correspondence, correspondence etc. in relation to the process must be stored on that file.

If a formal contract is entered into on foot of a procurement process, a separate folder must be created on the procurement file to hold an electronic copy of the final, signed, contract and all details input on the Contracts Register. The original signed copy of the contract can also be held on an official, physical, file.

The details below should be used in compiling the necessary documentation.

- Regulation 84 report<sup>42</sup> (if applicable).
- Documentation confirming that the necessary procurement budget is in place and that approval to proceed has been obtained.
- A request to engage external support or buy goods with reasons justifying decision.
- A procurement request or cost benefit analysis.
- Confirmation from the OGP, if applicable, that no suitable existing procurement arrangements are in place or planned which may meet the needs identified.
- All documentation that issues to the market including PIN, contract notice, CFT and any advertisements.
- All clarifications sent to tenderers/candidates.
- The report of the opening of the tenders from eTenders
- A qualification report and list of candidates meeting the Selection Criteria.
- The evaluation report.
- The acceptance by senior management of the evaluation team's report.
- The winning tender (or quotation).
- Unsuccessful tenders should be archived together with a copy of the CFT, the contract notice and the evaluation report.
- The Contract Award notice.
- The award letter and standstill/regret letters to unsuccessful tenderers/ any debriefing information.
- The signed contract and copy of advice to Procurement Officer that it has

---

<sup>42</sup> Article/Regulation 84 Report is for internal record purposes. It captures the key decisions & outcomes of a tender process. These are mandatory for EU tenders.

been agreed.

- Where a suitable Framework Agreements is available, all correspondence, including orders, relating to individual contracts/drawdowns - one file should be opened for the Framework Agreement and individual project files set up for each call-off contract established under the Framework.
- The project management plan (including risk assessment).
- The minutes of all project management meetings.
- All orders to the contract holder for work packages/services.
- All requests for payment by the contract holder.
- All requests for expenses, supporting documentation and vouched expense claims from the contract holder.
- All acceptance notes for deliverables and services.
- All correspondence with the contract holder.
- The post-implementation review or reviews/reports by third parties.

## Appendix 5a: Regulation 84 Information

Regulation 84 of the 2016 Regulations requires all contracting authorities to prepare a written report for every above threshold contract, Framework Agreement (other than mini competitions), and on the establishment of every Dynamic Purchasing System. It should be noted that e-Tenders provides a detailed audit trail of the procurement process from contract notice through to award notice and contract management.

This report should be lodged in the project file and must contain the following information:

- the name of the contracting authority
- the subject matter and value of the contract, Framework Agreement or Dynamic Purchasing System
- the results of the Selection stage i.e. the names of the successful candidates and reasons provided for selection, the names of unsuccessful candidates and reasons for non-selection
- the reasons for rejecting abnormally low tenders
- the name of the successful tenderer and the reasons why the tender was selected
- the name(s) of sub-contractors and the share of the contract to be sub-contracted
- justification, where appropriate, for the use of the Competitive dialogue/Competitive Procedure with Negotiation
- for Negotiated Procedures without Prior Publication the circumstances which justify the use of those procedures
- the reasons for not awarding a contract or a Framework, or to establish a Dynamic Purchasing System
- an explanation for not using an electronic submission
- measures taken to address potential conflicts of interest of the evaluators
- an indication of the main reasons why the contracting authority considers there to be a justified case for requiring turnover that is greater than the standard permitted maximum of twice the estimated contract value
- the main reasons for decision of the contracting authority not to subdivide the requirement into lots

To the extent that the Contract Award Notice contains the information required under this Regulation, a contracting authority may refer to that notice.

Contracting authorities are required to send a copy of the above written report to the Minister for Public Expenditure, NDP Delivery and Reform (DPENDR) if requested to do so. The report may also be communicated to the European Commission at its request.

Contracting authorities are also required to send the Minister for Public Expenditure, NDP Delivery and Reform a statistical report containing such other information as the Minister may from time to time request in respect of procurement covered by the 2016 Regulations. This report shall be forwarded to the European Commission by the Minister every three years and shall contain an estimate of the aggregate value of procurement during the period to which the report relates.

**Appendix 6: Evaluation Team Member Declaration Regarding Conflict of Interest and Confidentiality Undertaking**

**UNDERTAKING TO DECLARE POSSIBLE CONFLICT OF INTEREST  
AND MAINTAIN CONFIDENTIALITY OF INFORMATION**

**DECLARATION**

<b>Contracting Authority:</b>	
<b>Project:</b>	

I.....of.....  
....., being a member of the  
evaluation panel for the above project and being in the course of my duties  
called upon to evaluate applications and tenders and to advise or make  
recommendations on the selection or identification of successful and  
unsuccessful bidders, do hereby undertake the following:

- I solemnly undertake that I will declare, should it arise, any relationship, filial or otherwise, or any interest, whether arising through personal or professional association, current or prospective contractual obligations or any other activity or involvement which I have or had with any organisation or individual which the Contracting Authority is considering for admission to the framework or award of contract. (Note: details of any perceived conflict is outlined in the next page).
- I undertake to conduct my duties as a member of the evaluation panel in an impartial and balanced manner, in order to enable the Contracting Authority to reach a decision on award of contract which:
  - i) Is based on the published criteria; and
  - ii) Represents a genuine exercise of the Contracting Authority's discretion.
- I further undertake to maintain the total confidentiality of all documentation and information received in relation to the contract award processes which comes to my notice against all parties other than the

Contracting Authority and its nominees, and to maintain this confidentiality both now and in the future.

<b>Signed:</b>		<b>Witnessed</b>	
<b>Date:</b>		<b>Date:</b>	

<b>Outline of any relationship, interest, involvement or activity as described overleaf:</b>	
<b>Noted by Manager:</b>	
<b>Name:</b>	
<b>Signature:</b>	
<b>Date:</b>	
<b>Remedial action:</b>	



## Appendix 7: Contracts Register Details

Where a Directorate or Office enters into a contract, it MUST input the details onto the Contracts Register - details below. The following contracts and details must be notified: 1) any consultancy contract or a contract with an external service provider,<sup>43</sup> regardless of value; 2) any signed/executed public contract, regardless of value; and 3) any informal (offer and acceptance) contract valued over €5,000. These details must be recorded by the Procurement Coordinator in the area.

### Create Contracts Register Case

#### General

Contract Title \*

Contract Title

Contract Provider \*

Contract Provider

Contract Description \*

Contract Description

0/1500

Directorate\*

Section \*

Section

Primary Contract Manager\*

Name or email address

Save

---

<sup>43</sup> Grants and grants-in-aid to bodies are not included

## Contract Details

 cancel

Name of Contractor

Name of Contractor

Contractor Address 1 \*

Contractor Address 1

Contractor Address 2 \*

Contractor Address 2

Contractor Address 3 \*

Contractor Address 3

Contractor Address 4

Contractor Address 4

Type of Contract \* 

- ☐ Goods  
☐ Services

If other please specify

If other please specify

Service Level Agreement (SLA) Required

- ☐ Yes  
☐ No  
☐ N/A

If External Service Provider is Critical or Important, Please identify Outsourcing risk issues have been identified

If External Service Provider is Critical or Important, Please identify Outsourcing risk issues have been ident

Service Level Agreement (SLA) Required

- ☐ Yes  
☐ No  
☐ N/A

If External Service Provider is Critical or Important, Please identify Outsourcing risk issues have been identified

If External Service Provider is Critical or Important, Please identify Outsourcing risk issues have been ident

If External Service Provider is Critical or Important, Please identify Arrangements in place by provider to address risks

If External Service Provider is Critical or Important, Please identify Arrangements in place by provider to ac

If External Service Provider Please identify Transition arrangements on the termination of the contract in places

If External Service Provider Please identify Transition arrangements on the termination of the contract in p

How is the contract sourced 

- ☐ awarded without a competitive process  
☐ an award from an OGP Framework  
☐ an award from a Courts issued Request for Tender/Quotation  
☐ an informal award with quotes sought  
☐ an award from a centralised body  
☐ N/A

If awarded from a centralised procurement body please select the body

- ☐ LGOPC  
☐ HSE  
☐ EPS  
☐ N/A

If awarded without a competitive process please state why

If awarded without a competitive process please state why

If awarded without a competitive process did you

- ☐ seek advice from Procurement Co-ordinator  
☐ seek a derogation from Internal Audit Unit (if so, please upload signed version to the Supporting Documents Section)

Duration of Contract (in months) ⓘ

Duration of Contract (in months)

Contract extension options

☐ Yes

☐ No

☐ N/A

Number of Extensions Available

Number of Extensions Available

Duration in months of each extension

Duration in months of each extension

Contract Expiry Date (including extensions)\*

dd/mm/yyyy

Contract Signatory

Contract Signatory

Lifetime Value ⓘ

Lifetime Value

Spend on Contract to Date

Spend on Contract to Date

FOI Exempt

☐ Yes

☐ No

☐ N/A

If Yes please specify

If Yes please specify

## Person(s) Responsible For Procurement

[cancel](#)

Person(s) Responsible for Procurement\* ⓘ

Name or email address

Save

## Procurement Steps

cancel

Procurement Procedure to be Followed \* ⓘ

☐ Open

☐ Restricted

☐ OGP Framework

☐ Other

Duration of Contract (including extensions in months) \*

Duration of Contract (including extensions in months)

Contract award Notice Value Value of Contract \* ⓘ

Contract award Notice Value Value of Contract

Business Case Signed By

Name or email address

Prepare Market Ready Documents \*

☐ Yes

☐ No

Market Ready Documents Signed By

Name or email address

eTenders Reference

eTenders Reference

Date Issued to Market

dd/mm/yyyy

Closing Date

dd/mm/yyyy

Prepare Market Ready Documents \*

☐ Yes

☐ No

Market Ready Documents Signed By

Name or email address

eTenders Reference

eTenders Reference

Date Issued to Market

dd/mm/yyyy

Closing Date

dd/mm/yyyy

Evaluation Conclusion Date

dd/mm/yyyy

Standstill Period End Date

dd/mm/yyyy

Conclude Contract Date

dd/mm/yyyy

Save

## Appendix 8 Notes:

1. **Consultancy:** Consultancy” is defined as being “where a person, organisation or group thereof is engaged to provide intellectual or knowledge-based services (e.g. expert analysis and advice) through delivering reports, studies, assessments, recommendations, proposals, etc. that contribute to decision – or policy-making in a contracting authority. The engagement should be for a limited time period to carry out a specific finite task or set of tasks that involve expert skills or capabilities that would not normally be expected to reside within the contracting authority.”
2. **External Service Providers** are defined as “organizations that provide the services or the human/physical resources to meet the ICT and other service requirements of a contracting authority.” These requirements could include software development; network installation and management; infrastructure management; data centre hosting; managed services; shared services, etc. External service provision involves the transfer of actions for delivering business functions or services to an external service provider but does not include the use of contractors (i.e. external support under the day- to-day direction of the contracting authority) or the cost of purchasing packaged software. Additionally, external support may be required where: - a need for an external assessment is deemed essential; - a study or review is required by an external body (e.g. the European Commission); - a study/project must be completed within a short time scale and, although the knowledge or expertise may be available within the contracting authority, performing the task in-house would involve a prohibitive opportunity cost (i.e. total cost of diverted staff, including relevant overheads etc.) or would be impractical (e.g. staff engaged on other essential duties would have to be diverted), or it might not be possible to redeploy staff cost-effectively redeployed in the timeframe required.
3. **Informal (offer and acceptance) contracts** arise where following an RFQ (either verbal or written) a Courts Service official confirms in writing to the supplier of goods or services (usually by email) that the Courts Service accepts the terms that the supplier has offered. Such contracts don’t normally include detailed contractual terms between the parties. It is not intended that the Register will record contracts for the supply of products/goods where that supply does not involve an ongoing maintenance element or where the supply does not involve ongoing liaison with the supplier.
4. **Contractors:** Details of “contractors” are NOT required. A contractor is defined in the *Guidelines for the Engagement of Consultants and Other External Support by the Civil Service* as a person, organization or group thereof engaged, for a limited time period, to provide specified goods, works or services (including ICT (information and communications technology) services) that implement established policy objectives; to assist a contracting authority in carrying out its operations and functions; or to perform operations or functions that involve skills or capabilities that would normally be expected to reside within the contracting authority but which are not currently available. Contractors come under the direction of a contracting authority for operational purposes and take day-to-day instructions from local management even though they are not employees of the contracting authority. Particular care should be taken at all times to ensure that such contractors are not at any stage explicitly or implicitly treated as employees of the contracting authority.

5. **Value of contract:** This should indicate the value of the contract to the Courts Service i.e. if the Courts Service draws from a Framework Agreement or puts one in place e.g. via the OGP, only the value of the total drawdown by the Courts Service over the lifetime of the contract should be included. Drawdowns by other Departments from a Framework Agreement are a matter for those Departments.
6. **Goods:** Public supply contracts are contracts having as their object the purchase, lease, rental, or hire purchase, with or without options to buy products or goods. These also include incidental siting and installation operations.
7. **Services:** Contracts that have as their object the provision of services. A contract for both products and services is a service contract if the value of services exceeds that of the products, and vice versa.
8. **Works:** Works are not included and are not covered by this Office Notice: Works means the outcome of building or civil engineering works taken as a whole that is sufficient of itself to fulfil an economic or technical function.
9. **FOI:** Directorates and/or Offices should advise if the details supplied are exempt from release under FOI for any reason. If they are not, and the value of the contract is over €25k, these details will be published under the FOI Publication Scheme Rules.

ENDS

