Ollscoil
Teicneolaíochta
an Atlantaigh

Atlantic
Technological
University

Procurement Policy
Version 1.3

Revision History:

Date of this revision:	13th of April 2024
Date of next review:	1st of April 2026
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Summary of Changes	• Added works (page 6, 13, & 14) • Update roles and responsibilities • Updated thresholds • Updated Conditions of contract • Updated Sole Source • Updated Legislation • Updated objective to include HR following IR forum suggestion • Updated to include link to procurement portal following ARC review • Added line re review on page 4 following GB review
Changes Marked	• Section 4 (pages 8-10) • Section 6 (page 13) • Section 9 (pages 15-16) • Section 12 (page 17) • Section 13 (page 18) • Section 2 (page 5) • Updated review period (page 4)
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Summary of Changes	• Purchasing Limits updated • Amendment to table regarding sign off of sole source form
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Summary of Changes	

Approval:

This document requires the following approvals:

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1.3	ATU Governing Body	24th June 2024
1.2	ATU Governing Body	15th May 2023
1.0	ATU Governing Body	13th April 2022

Quality Assurance:

Date Approved	24th June 2024
Date Policy to take effect:	1st of April 2024
Date Policy to be reviewed:	1st of April 2026
Written by:	Procurement
Approved by:	VPs for Finance and Corporate Services
Approving Authority	ATU Governing Body
Head of Function responsible	VPs for Finance and Corporate Services
Reference Documents:	Procurement Policies of GMIT, LYIT, IT Sligo, and ATU

Document Location:

1.

Website – Policies and Procedures	Yes
Website – Staff Hub	Yes
Website – Student Hub	No
Other: - Internal Use Only	No

This Policy was approved by the Approving Authority on 24th June 2022. It shall be reviewed and, as necessary, amended by the University annually or at such time as is deemed necessary. All amendments shall be recorded on the revision history section above.

Contents

1. Introduction

Atlantic Technological University's ("ATU") policy for the procurement of all goods, services and works targets the achievement of a cost effective and legally compliant approach to procurement. This document relates to the management and control of non-pay spend in respect of the acquisition of works, goods and services in all Departments and applies irrespective of the source of funding for a purchase. This document should be read in conjunction with ATU's Procurement Procedure Document which outlines the steps taken in any formal procurement process.

2. Procurement Objectives

Procurement means the acquisition, whether under formal contract or not, of works, supplies and services by ATU. Procurement ranges from the purchase of routine supplies or services to formal tendering.

Procurement shall always be undertaken with the over-riding objectives of:
- Securing maximum Value for Money (VFM). VFM is not necessarily the cheapest option but rather the most economically advantageous. Effective planning, monitoring, appraisal and evaluation systems are critical to delivering on this objective.
- Complying with all relevant legislation and guidelines.
- Aligning with ATU's strategy.
- Risk Management.
- Aligning with sustainability and green objectives. This incorporates human health, human rights, social equity and environmental concerns into the search for high quality products and services at competitive prices.

In pursuing these objectives, ATU also requires that:
- Competitive bidding and tender processes are performed.
- Suppliers are appropriately selected and authorised for use.
- Suppliers are monitored for financial and non-financial performance.
- Works, goods and services are purchased only with proper authorisation.
- Life cycle costing, which considers overall total cost, i.e., sum of acquisition and life cycle ownership cost of an item, is used rather than initial purchase cost.
- Goods and services received are correctly recorded.
- Payments are only made for goods and services received and authorised.

3. General Principles

The Procurement Policy recognises that a combination of centralised and departmental purchasing is the most appropriate method to achieve the purchasing objectives within the University. Budget Holders must use centrally negotiated contract agreements where they exist in order to maximise purchasing power for the whole University and to obtain optimum value for money. In specialist areas the buying department will identify the technical requirements and specification and arrange competitive quotations and / or tenders as appropriate via the Central Procurement Unit.

Where centralised purchasing arrangements in the form of Framework Agreements are available from either the Office of Government Procurement or the Education Procurement Service, these Framework Agreements will be utilised for procurement.   If better value for money can be obtained from an alternative supplier benchmarked against an OGP framework, budget holders are authorised to purchase from this alternative supplier. Full records must be maintained with price and quality comparisons against the OGP framework supplier to justify this decision. The full cost of procurement should always be considered, and benchmarking should be on a like for like basis and is mostly commonly acceptable in commodity products such as heating oil. The University is committed to the pursuit of excellence and recognises the importance of good procurement practice to obtain Value for Money, compliance & risk management and to ensure the University's funds are used to best effect.

4. Roles and Responsibilities

4.1 Budget Holders

Budget Holders and nominees are fully accountable and responsible for ensuring their budgets are spent in accordance with the Procurement Policy and procedures. Once their requirement has been approved, budget holders have the authority to incur expenditure on behalf of the University. They have day to day responsibility and accountability for ensuring that procurement and purchasing policies and procedures are applied to all purchases of works, goods and services within their defined authority. Inter alia, budget holders should ensure:

- That they are aware of the University's procurement guidelines and understand what type of procurement process is required based on their estimated spend. The types of procurement process include:
  - purchasing based on one written quotation,
  - purchasing following the request for three written quotes,

- purchasing from a contract or framework developed by the OGP or EPS or HEAnet
- purchasing based on a bespoke ATU tendering process advertised on E-Tenders or OJEU

- Approvals to be granted prior to any procurement of ICT goods/services via the Software Evaluation Committee (SEC).

- Where a data impact may exist, it must be outlined in advance, reviewed by ICO (Information Compliance Office) and permission to proceed to procurement granted.

- Consideration should also be given to use of the internal service providers (e.g. Computer Services, photographer etc.) before a competitive process is initiated.

- Budget holders should make sure that they have considered all available contracted suppliers including but not limited to OGP frameworks, EPS or HEAnet frameworks before carrying out a bespoke tendering process.

- That prior to conducting a competition for goods or services a PIF(Procurement Initiation Form) is completed Procurement Initiation (sharepoint.com) and forwarded to ATU's procurement unit. The CPU will then complete a PSR to be sent to the OGP where possible to determine whether they can assist with the process. The CPU will inform the budget holder of the outcome and details the next steps.

- That value for money is prioritised. Consideration must always be given to the total price of purchasing an item of any value and purchases should be evaluated to obtain the overall most economically advantageous tender (MEAT) rather than the cheapest tender.

- That if the Budget Holder concludes that there is only one suitable supplier they should fill out a Sole Source form on SharePoint Sole Supplier (sharepoint.com) outlining the rationale behind this decision. The form will then be reviewed by the CPU and approved/rejected in line with the procurement regulations/guidance. The form must be attached to the back of the requisition when raised on Agresso. A register or sole source forms is also kept by procurement.

The table below outlines the approval limits:

Value up to 2€25,000	Value >€25,000
Procurement Officer	Procurement Officer **and** Head of Procurement.

- That staff engaged in purchasing activities should liaise with relevant stakeholders in their own department and other departments prior to conducting a competitive process. This may include those with expertise in procurement or those who have prior experience in development of specification. The budget holder must ensure that staff purchasing using their budget are aware of the procurement policy and adhere to this policy.

- All relevant documentation is retained for audit purposes and records are maintained within the central procurement unit. Staff members should be aware that the Internal auditors of the University and the staff of the Office of the Comptroller and Auditor General have full, free and unrestricted access to all procurement records.

As outlined, budget holders may enter into contracts for the supply of goods and services only where:

- a centrally negotiated contract does not exist,
- the value of the contemplated purchase is less than €25,000 over the period of the contract without going out to tender. The spend across the University for the purchase of similar works, goods or services must not in aggregate exceed €25,000. Consideration will need to be given to the aggregation of category spend across ATU in making this determination. Regular reporting is conducted by the Procurement Department to help identify where aggregations can be achieved. Care should be taken when awarding large contracts, for example over €30,000 without going out to tender as the University-wide spend on this requirement or with this supplier may exceed €50,000 and result in reportable create non-compliant spend,
- any appropriate advice is sought either internally or externally before any contract is placed, and
- contracts comply with procurement and purchasing procedures and are signed off on behalf of ATU, in line with the appropriate level as laid out in the table at Appendix 1.

4.2   Central Procurement Unit

- Undertake/review/support all goods and services procurements which exceed €25,000,
- Publish award notices for all goods and services procurements in excess of €25,000 within the legislated timelines,
- Review and approve/reject all Sole supplier forms,
- Draft Procurement policies and procedures,
- Ensure appropriate training is provided to ATU staff,
- Provide procurement advice and guidance to sections/individuals and working groups,
- Pro-actively engage with the Central Purchasing Bodies
- Represent the ATU externally in the advancement of good procurement practice,
- Maintain a contract & tender register,
- Share information via a procurement portal, [ATU Procurement - Home (sharepoint.com)](sharepoint.com)
- Publish all good and services tender documents/awards on eTenders,
- Publish all goods and services contract awards over €25,000 on eTenders,
- Complete CPP and MAPP,
- Support internal and external procurement audits including the C&AG audit.
- Review non-spend for compliance and competitiveness.
- Collate FOI procurement reports.

4.3   Buildings & Estates Function

The Buildings and Estates Function are responsible for the governance of all tenders, quotations and purchase orders relating to construction or repair and maintenance of buildings.

4.4   Members of Governing Body and University employees

University employees and, in accordance with the Code of Governance of Irish Universities, members of the Governing Body and are required to observe the University's commitment to:

- Conducting purchasing activities in accordance with public policy and best business practice,
- Ensuring its purchasing regulations reflect this,

- Complying with tendering and purchasing procedures, as well as complying with prescribed levels of authority for sanctioning any relevant expenditure.

Furthermore, it is the responsibility of the Governing Body to ensure that a robust system of internal control and risk management is in place in the University. The Governing Body should review annually the effectiveness of the systems in place.

5. Procurement Policy

5.1. Competition
Fair competition shall be used and encouraged at all times consistent with the objectives of:
- Securing maximum Value for Money (VFM) for all University purchases.
- Compliance with Government procurement rules applicable to the Public Sector.
- Compliance with EU Procurement Directives where applicable.

5.2. Call Off Contracts
Where a call off contract exists for the supply of goods and services the contract will already have been subject to the necessary level of competition and shall therefore always be used in preference to any other supply arrangement, if appropriate to requirements. Use of OGP/EPS/HEAnet Frameworks should be considered in the first instance. Prior to commencing a procurement process for the value of services greater than €25,000 a Procurement Support Request (PSR) should be sent to the OGP. This is sent by the Central Procurement Unit. Should OGP frameworks not be used documented evidence must be retained to ensure compliance can be demonstrated to the C&AG. If the OGP advises that a framework already exists or is included in the OGP pipeline, ATU will not need to go through a formal tender process.

5.3. EU Directives
Purchasing within the University is subject to the legislative requirements of EU Regulation and Directives as embodied in, and enforceable via, Irish law. The University is classified as a "Body Governed by Public Law – Sub Central" under the EU Public Sector due to the way in which it receives funding.

EU Directives require that all purchase requirements (tenders) above "Threshold Values" for the time being in force are open to European Competition. Tenders with a value above the applicable Threshold Value must be published in the supplement to the Official Journal of the European Union (OJEU), and a set process with prescribed timescales for tendering etc. must be followed. Below threshold value requirements

warrant a competitive process to satisfy the Irish Government Procurement Rules, and the following general principles:

- Equal Treatment – all suppliers to be treated equally and with the utmost fairness
- Transparency – information, rules and award criteria to be readily available
- Mutual Recognition – EU standards, specifications and qualifications treated equally
- Proportionality – demands on suppliers to be relevant to the contract being awarded

6. Tendering Thresholds & Approval Levels

6.1 Tendering Thresholds

The current thresholds for quotations and tenders for goods, services and works is as per the link below. Please note that the Tendering Thresholds listed are all **EXCLUSIVE OF VAT.** Budget holders should be aware of total costs including VAT when assessing if they have sufficient budget to procure the goods or services, however for all evaluation and review purposes VAT must be excluded to ensure open and transparent tendering.

Thresholds
How to procure goods & services.pptx (sharepoint.com)

Some funding agencies, such as SEUPB, may insist on more stringent procurement or tendering procedures in respect of specific projects, and those procedures must be adopted in order to ensure that agreed project funding is not withdrawn.

Care should be taken to ensure the cumulative level of spend with one supplier for goods/services/works does not exceed €50,000 excluding VAT €200,00 for works, without a valid tender process being carried out. Supplier spend above €25,000 excluding VAT is reviewed on an annual basis by the OC&AG and also reviewed by the HEA. Non-compliance is reported to the Audit and Risk Committee of the Governing Body. Budget holders/requisitioners should be aware of the previous spend with a supplier prior to raising a purchase order, and the required number of quotations should be submitted with the requisition for approval. Budget holders/requisitioners should also take note that purchase of works, goods or services with a value of circa €25,000 may cause the supplier's threshold for tendering to be breached. Advice should be sought from the Procurement Unit about spend levels per supplier or on similar category of items as there may be more value for

money or other purchasing efficiencies obtainable by going out to tender rather than obtaining three quotes for goods or services that are used routinely.

6.2 Approval Levels

The following approval levels apply when making a purchase. Approval limits are VAT exclusive.

ATU Purchasing Limits

Level	Value
VP for Finance & Corporate Services	>€50k
President/Vice Presidents/Heads of College/ Heads of School/Buildings & Estates Managers	<€50k
Heads of Department / Central Services Managers or higher	<€20k
Budget holder / assigned user on Cost Centre	<€10k

•Substitutes assigned by users as required.

7. Confidentiality

Details provided by or agreed with suppliers (including those relating to tenders, contracts and pricing)
are confidential to the University and those suppliers and must not be disclosed to others.

Confidentiality is a prerequisite of the University's participation in Government, Public Sector, Higher Education sector consortia contract arrangements. Product information and costs of a supplier must not be disclosed to a competitor or used as the basis for a one-off purchase.

8. Conditions of Contract

All procurement contracts should be signed on behalf of ATU, in line with the appropriate levels as laid out in the table at Appendix 1. All contracts should issue via S2C (Procurement Contract Management System) and be signed via DocuSign. This ensures that an electronic soft copy of the contract is maintained with the quotations or tender documentation and all items are readily available for audit purposes. If the contract has been awarded following a competition on e-tenders the contract award should be published at the contract within 30 days of the signing date on e-tenders. A copy of this contract award notice should be retained for audit purposes. The contracts will issue via S2C and be signed by the relevant signatories as outlined in appendix below. Contracts should only be signed when the standstill period (if applicable) has ended and all queries relating to the tender have been resolved to a reasonable level. Where appropriate, the Vice President for Finance and Corporate Services will arrange for independent legal review of contracts prior to signature, in order to protect the interests of the University in the case of dispute regarding the contract and to ensure that legal requirements are met, and obligations appropriately discharged.

9. Leasing

Leasing may only be used as a method of purchasing following prior consultation and agreement with the Head of Procurement.

10. Ethics

All University employees involved in any way in the purchasing process are required to act ethically and in particular should have regard to:

a) Conflicts of Interest
b) Hospitality
c) Inducements - Employees of ATU must not accept inducements in any form from suppliers of goods and services. Inducements include special offers where the inference is that free items may be made available on a personal as opposed to business use basis.

11. Record Keeping

The budget holder and central procurement unit is responsible for ensuring that records and systems are appropriately maintained and administered for all purchases, as specified in the University's procurement and purchasing procedures. The University's Records Management and Retention Policy specifies the period for which records must be retained. All records should be maintained electronically.

12. Sole Source

A Sole Source process can only be used in rare and exceptional circumstances, as it allows for a purchase to be made without running an open, competitive quotation or tender process, and therefore must be justified. The burden of proof to justify sole source procurement falls to the Budget Holder.

By approving an STA/SS, ATU is making a clear statement of derogation from running an open and transparent procurement process.

The form must be completed online Sole Supplier (sharepoint.com)

13. Legislative Requirements/Compliance

All employees involved in purchasing on behalf of the University must comply with the requirements of all relevant and applicable legislation. This includes, but is not limited to, general duties imposed on the University as a public authority.

Procurement Legislation includes directives, SI's & Circulars.
The links below outline all relevant legislation.

- gov - Procurement Legislation (www.gov.ie)
- Capital Works Management Framework | A suite of best practice guidance, standard contracts and generic template documents. (constructionprocurement.gov.ie)

This also includes compliance to internal University policy, procedures and controls.

14. Consequences of Non-Compliance with Purchasing Policy and Procedures

This policy has been drafted to ensure the University meets its legal obligations. Compliance is not open to individual discretion and any breach of the policy will be considered to be a serious matter and may include referral for investigation under the University's disciplinary procedures.

Appendix 1: ATU Supplier Contract Approval Limits

	ATU Contract Approval Limits	
Level	**Total Value (VAT Excl.) over the lifetime of the contract, including potential extensions**	**Approval Level**
(i)	**Over €1,000,001** *or nominated authorised signatory at appropriate level*	**Governing Body** *And* **President** *And* **VP Finance & Corp Services**
(ii)	**Between €500,001 & €1,000,000** *or nominated authorised signatory at appropriate level*	**President** *And* **Former Presidents/VP F&CS** *And* **Head of School/VP/Relevant Budget Holder**
(iii)	**Between €50,001 & €500,001** *or nominated authorised signatory at appropriate level*	**President/ Former Presidents/VP F&CS** *And* **Head of School/VP/Relevant Budget Holder**
(iv)	**Up to €50,000** *Alternative signatory may be selected from higher level*	**Head of School/VP** *And* **Relevant Budget Holder**
(v)	**Up to €20,000** *Alternative signatory may be selected from higher level*	**Head of Department** *Or* **Relevant Budget Holder**