

Public Procurement Checklist

Public procurement is the acquisition, whether under formal contract or not, of works, supplies and services by public bodies. It ranges from the purchase of routine supplies or services to formal tendering and placing contract for large infrastructural projects by a wide and diverse range of contracting authorities.

This document is designed to provide a basic checklist covering the steps in a normal procurement cycle, from identifying and specifying a need to awarding a contract. While the specifics of each procurement will be different, this checklist aims to provide a general reminder list to those required to undertake a procurement process.

Care should be taken to ensure the tender documentation is **complete, relevant and proportionate to the need**. Small and medium sized enterprises frequently report that they find public sector tendering documentation complex and difficult to follow. In many cases, this arises from lengthy and detailed standard type provisions for larger contracts being “cut and pasted” into documentation for smaller requirements.

This checklist should be read in conjunction with the national public procurement guidelines, *Public Procurement Guidelines - Competitive Process*, which provide more detailed guidance on the competitive process to be followed in the award of contracts for supplies and services. These and other guidelines are published on the national public procurement website www.etenders.gov.ie (under Guides / General Procurement Guidance).

This checklist addresses the following steps in the procurement process:

1. [Identifying the need](#) – is the purchase necessary?
2. [Writing the specification](#)
3. [Estimating cost](#)
4. [Securing approvals and funding](#)
5. [Determining the best procurement strategy](#)
6. [Deciding on the tendering procedure that should be followed](#)
7. [Preparing your Request for Tender \(RFT\)](#)
8. [Allowing sufficient time for submission of tenders](#)
9. [Issuing tender documents, supporting documents and clarifications](#) without delay
10. [Receipting and opening tenders](#)
11. [Clarifying tenders](#)
12. [Evaluation of tenders](#)
13. [Notifying tenderers](#)
14. [Debriefing unsuccessful tenderers](#)
15. [Checking tax clearance certificates](#)
16. [Awarding the contract](#)
17. [Publishing contract award notice](#)
18. [Managing the contract](#)

1. Identifying the need – is the purchase necessary?

Before starting any procurement process, it is important to establish whether it is essential to purchase.

- 1.1 Establish whether there is a clear business need for the product or service. The procurement should be essential for the conduct of normal business or to improve performance. Stating that the need for the procurement ‘is a good idea’ is not a sufficient business case.
- 1.2 Ensure that the business case addresses future phases of the service or purchase of goods that may be required.
- 1.3 Determine whether the products or services are already readily available within your organisation.

2. Writing the specification

Once the need for, and what is needed from, a supplier or service provider has been established, the specification of requirements needs to be developed.

- 2.1 Base the specifications on the needs identified in the business case.
- 2.2 Ensure that the specifications are clear and comprehensive but not discriminatory (use generic technical specification and avoid proprietary brand names).
- 2.3 Ensure that the specifications present the optimum combination of whole-life-costs and/or price, where appropriate, and quality (or fitness for purpose) to meet your requirements.

3. Estimating cost

A realistic estimate of all phases of the service or product is essential as this will influence the procurement procedure to be followed and is important for budgeting purposes.

- 3.1 Prepare a realistic estimate of all phases of the service or product.
- 3.2 Establish whether funds are available to meet the purchase?
- 3.3 Determine whether the estimate (exclusive of VAT) is over the relevant EU procurement threshold (see [Appendix I](#))

4. Securing approvals and funding

Once a realistic estimate of cost is available the relevant budget holder should be requested to approve the expenditure.

- 4.1 Ensure that all necessary approvals are sought in adequate time.

5. Determining the best procurement strategy

Adopt a procurement strategy that will minimise casual or ‘once-off’ purchases and promote best value.

- 5.1 Check if your organisation already has a draw-down contract or framework agreement in place for the product/service.
- 5.2 If such an arrangement does exist but is not being used on this occasion, document the reasons why.

6. Deciding on the tendering procedure that should be followed

Following an appropriate competitive tendering procedure will avoid breaches of national procurement policy and EU Procurement Directives. The type of competitive process to be followed can vary depending on the size and characteristics of the contract to be awarded and the nature of your organisation. There are two general types of procedure which may be used: an open procedure, where all interested parties are invited to tender and a restricted (or selective) procedure where only those deemed to have the necessary capacity and expertise are invited to tender. (Sections 5 and 6.13 of *Public Procurement Guidelines – Competitive Process* should be consulted for details of how these procedures apply under national and EU rules).

- 6.1 Conduct an appropriate competitive tendering procedure.
- 6.2 For contracts below the relevant EU procurement thresholds, follow the steps set out in [Appendix II](#).
- 6.3 For contracts above the relevant EU procurement thresholds, follow the steps set out in [Appendix III](#).

7. Preparing your Request for Tender (RFT)

A [sample RFT](#) can be viewed on www.etenders.gov.ie. A set of ‘tips’ for preparing your RFT, together with a list of the sections normally included in a RFT, are provided in Appendix IV:

- 7.1 Ensure that the RFT is clear and comprehensive. Clarity and completeness at this stage will help eliminate the need for clarifications later.
- 7.2 Set out all the criteria that will be applied in the award process, together with the relative weightings of each. This is a vital part of the process. These criteria will form the basis against which tenders will be comparatively evaluated and are the key to an objective, transparent award procedure.
- Specify any special conditions of tender, FOI clause, required format of tender responses etc.

8. Allowing sufficient time for submission of tenders

Allow suppliers an adequate period for the preparation of tenders.

- 8.1 Take account of the complexity of the contract when fixing the timescale for submitting responses.

8.2 Allow suppliers sufficient time for submitting the necessary information and preparing the tenders (taking into account holiday periods etc).

8.3 In the case of contracts in excess of EU Directive thresholds, ensure that the timescale complies with the minimum periods specified in the Directives.

9. Issuing tender documents, supporting documents and clarifications without delay

Responses to requests for information, requests for tender documents and other supporting documentation (if not made available electronically on the etenders website) must be issued without delay.

9.1 Issue tender documents and responses to requests for additional information in good time

9.2 Ensure that additional information supplied to one party, in response to a request, is supplied to all interested parties if it could be significant in the context of preparing a tender.

10. Receipting and opening tenders

You should ensure that proper procedures are in place for opening tenders.

10.1 Return late tenders unopened to the tenderer and record their existence and time of arrival.

10.2 Open all tenders (received on time) together as soon as possible after the designated latest time and date set for receipt of tenders.

10.3 Arrange for the opening of tenders to take place in the presence of at least two officials of the contracting authority.

10.4 Ensure that a clear and formal independently vouched report of the tenders received is produced.

11. Clarifying tenders

You may seek additional information in clarifying submitted tenders.

11.1 Ensure that any clarification of tenders does not result in substantive alterations to bids after the deadline for submission has passed.

12. Evaluating tenders

The evaluation and award process must be demonstrably objective and transparent and based solely on the criteria published in the RFT. This is best achieved by the use of a scoring system based on all the relevant weighted criteria, indicating a comparative assessment of tenders under each criterion.

- 12.1 Arrange for the evaluation of tenders to be carried out by a suitably competent team.
- 12.2 Evaluate price exclusive of VAT.
- 12.3 If price is the sole criterion, award the contract to the lowest priced bid complying with the specified requirements.
- 12.4 If the ‘most economically advantageous tender’ is the basis for award, award the contract to the tender that best meets the relevant published criteria.

13. Notifying tenderers

Unsuccessful candidates and tenderers for any public contract should be informed of the results of the tendering process without delay.

- 13.1 In the case of contracts covered by the EU Directives, allow a 14 calendar day interval (or seven calendar days in the case of a contract advertised under an accelerated procedure due to urgency) between notifying unsuccessful tenderers of the outcome of the tendering procedure and the formal award of contract.

14. Debriefing unsuccessful tenderers

Apart from observing the legal obligations where the provisions of the procurement Directives apply, where contracts are awarded on the basis of the most economically advantageous it is good practice to adopt a voluntary constructive policy on debriefing unsuccessful candidates.

- 14.1 Offer unsuccessful tenderers debriefing.
- 14.2 In the debriefing, provide an objective assessment of the comparative strengths and weaknesses of the unsuccessful tender.
- 14.3 Give due regard to commercial sensitivity and the need to avoid compromising the rights or competitive situation of other tenderers.

15. Checking tax clearance certificates

Before a contract is placed the supplier or service provider must hold a current Tax Clearance Certificate. This can be verified online using www.revenue.ie “What can I do online”, “Tax Clearance”. Prior permission of the applicant must be sought, and the Customer number and tax clearance certificate number quoted. For efficiency and to reduce the administrative burden, contracting authorities are encouraged to use this online facility but if the supplier or service provider does not give permission to verify online then an original current Tax Clearance Certificate must be produced before formally awarding the contract.

- 15.1 Ensure that the supplier or service provider is tax cleared by either verification online or by producing an original current Tax Clearance Certificate.

16. Awarding the contract

The contract should be awarded to the supplier or service provider that is best able to fulfil your requirements (selected in accordance with the award criteria), whose bid is within budget and in all other respects complies with the RFT, approval requirements, public procurement law and national guidelines.

- 16.1 Record in the contract document(s) all terms and special conditions that apply, including health and safety requirements, insurance etc.
- 16.2 Attach a specification to the contract document(s) which reflects the solution proposed by the successful tenderer.
- 16.3 Ensure that the contract specifies clearly the roles and responsibilities of both the client and the supplier/service provider – what needs to be done, by whom and how much it will cost.

17. Publishing a contract award notice

For contracts above the EU thresholds, you are required to publish certain information in the OJEU on contracts awarded within 48 days of the award. For contracts below EU thresholds, you are encouraged to publish a notice on the etenders website, to aid the transparency of the procurement process (and, possibly, reduce or eliminate enquiries from non-participants about the award of a contract) and to facilitate the compilation of statistical information required by the EU Commission.

- 17.1 Submit the necessary information online via the etenders site on the standard 'Contract Award Notice'.

18. Managing the contract

The management stage of a contract is where value for money (VFM) gained during the preceding stages is realised. A contract needs to be effectively managed by the user, not just left to the supplier. Proactive involvement in the management of the contract is essential to maximise VFM.

- 18.1 Have a programme of checking work/goods against the specification.
- 18.2 Ensure that there are procedures for identifying inadequacies/poor performance and for remedial action.
- 18.3 Maintain a record of supplier performance.
- 18.4 At the conclusion of the contract, review the whole procurement process, 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.

Appendix I

Thresholds (exclusive of VAT) above which advertising of contracts in the Official Journal of the EU is obligatory, applicable from 1 January 2014 to 31 December 2015¹:

Revised public procurement Directives simplify the threshold provisions by abolishing the two tier system that existed under the former Directives and the Government Procurement Agreement (GPA) of the World Trade Organisation and by rounding the threshold values.

The main advertising thresholds with effect from 1 January 2014 to 31 December 2015 are as follows:

Works		
Contract Notice	€5,186,000	Threshold applies to Government Departments and Offices, Local and Regional Authorities and other public bodies.
Supplies and Services		
Contract Notice	€134,000	Threshold applies to Government Departments and Offices
Contract Notice	€207,000	Threshold applies to Local and Regional Authorities and public bodies outside the Utilities sector.
Utilities		
Works Contracts / Prior Indicative Notice*	€5,186,000	For entities in Utilities sectors covered by GPA
Supplies and Services	€414,000	For entities in Utilities sectors covered by GPA

¹ Thresholds are revised every two years. Full and up to date thresholds can be checked on the EU public procurement website <http://simap.europa.eu> .

Appendix II:

Steps in conducting a Competitive Process for contracts below EU Thresholds

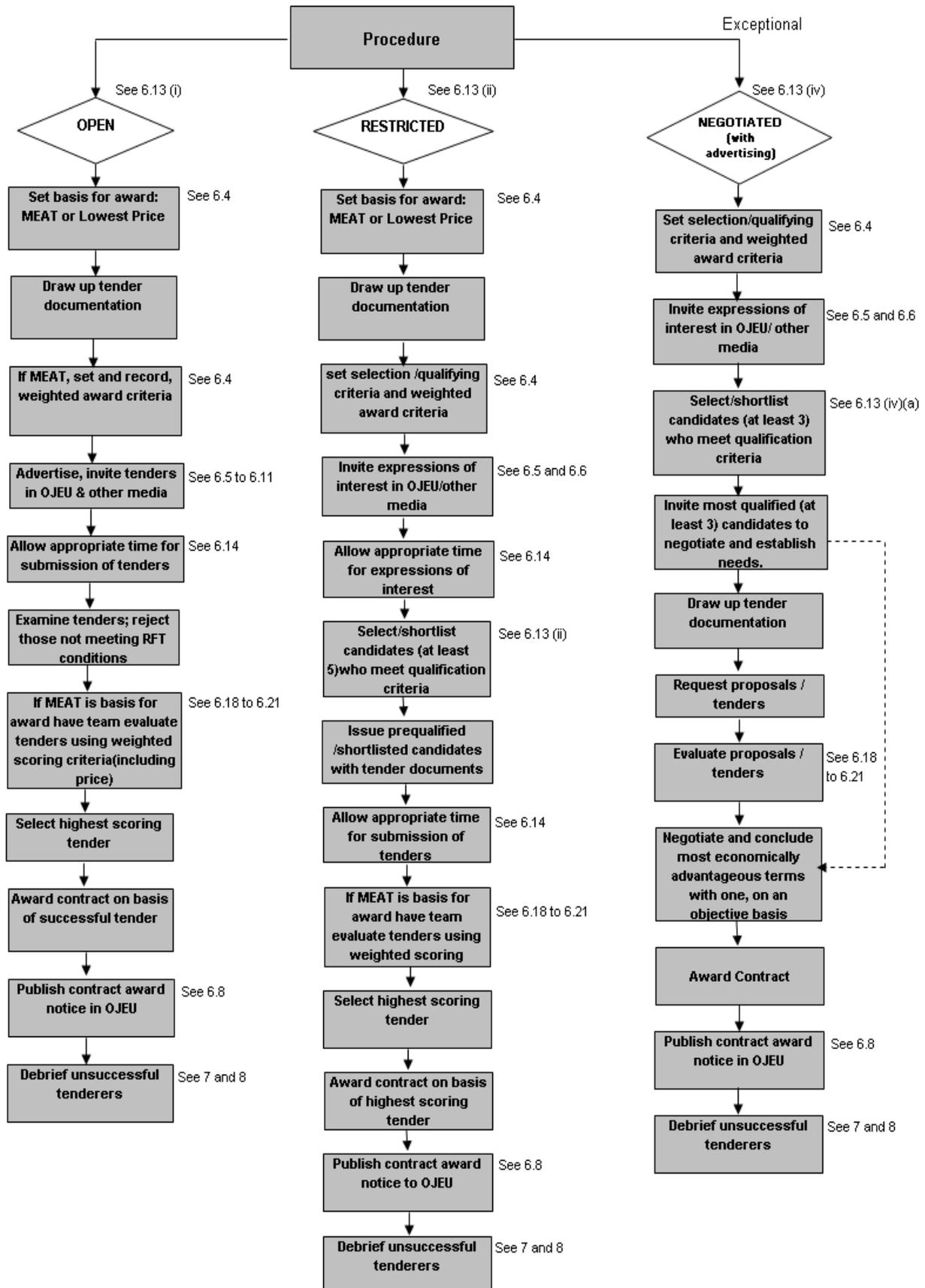
[for details refer to [Public Procurement Guidelines – Competitive Process](#) (Section 5 and 8). These guidelines are published on the national public procurement website www.etenders.gov.ie].



Appendix III:

Steps in conducting a Competitive Process for contracts above EU Thresholds

[for details refer to [Public Procurement Guidelines – Competitive Process](#) (Sections 6, 7 and 8). These guidelines are published on the national public procurement website www.etenders.gov.ie].



Appendix IV:

Format of Request for Tender (RFT) Documents

RFTs generally contain the following sections (this is not a prescriptive or exhaustive list):

- Background and summary of requirements
- Financial and invoicing arrangements
- Contact details for further information and query handling – as well as rules relating to same
- General instructions to tenderers in relation to submission of tenders
- Required format of tender responses
- Specifications (comprehensive and unambiguous descriptions) of the services, goods or works required.
- Conditions applicable to the contract including, for example, time for delivery, payments schedule, liability for defects, insurance provisions, settlement of disputes etc
- Examination and evaluation of tenders - the RFT must state all of the criteria being applied in the award process, giving the relative weighting for each criterion. If it is not technically possible to indicate criteria weightings in advance, they must be listed in descending order of importance.
- Obligations and restrictions imposed by the contracting authority

Tips for Request for Tender (RFT) Documents

1. Start with the [Request For Tender \(RFT\) sample](http://www.etenders.gov.ie) on the etenders website at www.etenders.gov.ie. If you are unfamiliar with writing tender documents, this is a good place to start, as the sample acts as a guide to writing the document.
2. Be very clear in what you are looking for to ensure that you get tenders that fit your needs. Make sure you set out under what criteria the tenders will be evaluated.
3. Avoid using ambiguous phrases that maybe misinterpreted by the suppliers, such as “quality of tender” in the award criteria, and address in the RFT any possible questions that may arise. If appropriate, ask someone not involved in the project to read the documentation and ensure it is clear. You will have a better chance of getting what you want if you are very specific in stating exactly what you will measure (e.g. the extent to which the tender meets the technical requirements specified in a certain paragraph, etc.)
4. It can be helpful to include a return check list (with tick-boxes) for suppliers so that they can be sure that they have satisfied all requirements mentioned in the documents. This can also be helpful to the buyer in summarising what they need from suppliers.
5. Include any timescales associated with the project early in the notice. This includes the latest date for submission of queries relating to the project, the closing date and time for submission of tenders, etc. Many buyers only state the closing date; however, suppliers often like to know when the evaluation might be completed or when the contract is likely to take effect.

6. In some projects, it may be useful to indicate a budget for the project in the RFT. This can give potential suppliers an idea of the range of the project, and they can tailor their submissions to meet this budget. For example, in an advertising tender, you might want to see how much of your budget will be used on actual advertising and how much will be charged in the management fee.

7. If possible, upload any tender documentation that may help clarify the tender on to the *etenders* website. This will reduce the need for contracting authorities to send any relevant documentation manually at a later date.

8. When uploading any tender documentation, ensure that the size of the documents is kept small. This will allow the documents to be accessed by those on slower internet connections, such as dial-up. It is also useful to consider using PDF documents, which are harder to alter than standard text documents.

9. Contracting authorities may also include a statement in the RFT prohibiting the RFT being passed to a third party without the authorities' permission. This is particularly relevant in the case of tenders advertised and documentation made available on the *etenders* website. Candidates who register with the site and download tender documents will automatically receive any clarifications or additions to the original documentation. If the documentation is passed on by a third party to a supplier not registered with the site, that supplier may miss out on important additional information.