



# National Treasury Management Agency

## ***PROCUREMENT POLICY***

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## DOCUMENT CONTROL

### 1.1. Revision History

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### 1.2. Next Scheduled Review

September 2019

### 1.3. Distribution

Location	Audience
NTMA Policies and Procedures Register	All NTMA staff, excluding staff assigned to NAMA

### 1.4. Approval

This document was approved by the Chief Executive with effect from 01 September 2017.

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## **1. INTRODUCTION**

This document sets out the policy which applies, subject to section 2, to the National Treasury Management Agency (NTMA) when procuring services, supplies or works.

## **2. SCOPE**

This Policy applies to all services, supplies and works procured directly by the NTMA on its own behalf.

In addition, this Policy applies to:

- the procurement of frameworks of professional advisers by the NTMA when performing its functions under Part 4 of the National Treasury Management Agency (Amendment) Act 2014 as the National Development Finance Agency (NDFA), and when performing its functions under Part 2 of the National Treasury Management Agency (Amendment) Act 2000 and Part 5 of the National Treasury Management Agency (Amendment) Act 2014 as the State Claims Agency; and
- all services, supplies and works procured by the NTMA on behalf of the Strategic Banking Corporation of Ireland (SBCI) pursuant to Section 10 of the Strategic Banking Corporation of Ireland Act 2014,
- all services, supplies and works procured by the NTMA on behalf of NAMA pursuant to Section 41 of the National Asset Management Agency Act 2009,

in each case where the procurement process is managed by the NTMA Procurement and Legal Units.

This Policy replaces and supersedes all other policy documents relating to the procurement of services, supplies and works.

## **3. DEFINITIONS AND INTERPRETATION**

### **3.1 Definitions**

#### **Business Units**

For the purposes of this Policy only, Business Units refer to all units and corporate functions within the NTMA.

#### **CFOO**

Chief Financial & Operating Officer, NTMA

#### **CLO**

Chief Legal Officer, NTMA

#### **Directive**

Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC.

#### **eTenders**

Ireland's national procurement website [www.etenders.gov.ie](http://www.etenders.gov.ie), the central facility for all public sector contracting authorities to advertise procurement opportunities and award notices.

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## **EU Thresholds**

The thresholds (exclusive of VAT) set out in the Directive/Regulations. These thresholds are revised every two years (see the Procurement Procedure for details).

## **Framework Agreement**

An agreement between a contracting authority and one or more economic operators, the purpose of which is to establish the terms governing contracts that may be awarded during a given period.

## **OGP**

Office of Government Procurement

## **OJEU**

Official Journal of the European Union - The publication in which all relevant public sector tenders valued above the EU Thresholds must be published.

## **Procurement Procedure**

The current procedure associated with this Policy, as published on the NTMA Policies and Procedures Register.

## **Regulations**

The European Union (Award of Public Authority Contracts) Regulations 2016 (SI No. 284 of 2016), which implement the Directive in Ireland.

## **Senior Executive**

For the purposes of this Policy only, Senior Executive refers to Directors of the NTMA and Heads of Function who report directly to the Chief Executive.

### **3.2 Interpretation**

All references to contract values in this Policy are exclusive of VAT.

## **4. REQUIREMENTS**

### **4.1 Procurement Processes**

Contracts for services, supplies or works with an estimated value (over the total life of the contract) that is greater than or equal to the EU Thresholds must be advertised in the OJEU, and the procurement process must be conducted in accordance with the Directive/Regulations.

Where the estimated contract value of the services, supplies or works required is above €5,000 but below the EU Thresholds, a competitive process should be undertaken to ensure value for money is achieved. The Procurement Unit must be informed in advance about all procurements where the estimated value is above €5,000. Further detail regarding procurement processes is contained in the Procurement Procedure.

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## **4.2 Approval and Execution of Contracts**

Contracts submitted to the Chief Executive or relevant authorised signatory for signing (following a procurement process) must be accompanied by a memorandum from the NTMA Legal Unit, as required by the ‘Procedure for Legal Unit approval for contracts and contract record keeping’ published on the NTMA Policies and Procedures Register.

## **4.3 Records Management**

The requirements of the NTMA Records Management Policy must be adhered to in respect of all records relating to procurement processes.

Typically the Procurement Unit will be the repository for all documentation in respect of the procurement process, save for signed contracts. The Legal Unit will typically be the repository for original contracts signed on foot of a procurement process that is within the scope of this Policy.

Where applicable, further details of the above requirements are set out in the Procurement Procedure.

## **4.4 Confidentiality and Conflicts of Interest**

Unless specified in the Procurement Procedure or otherwise authorised by the NTMA, an NTMA staff member must not communicate with any third party outside the NTMA regarding any actual (historic or ongoing) or proposed tender competition or disclose information contained in a tender.

Staff members are reminded that they are obliged at all times (including when involved in a tender competition) to comply with the Code of Practice and Professional Conduct Undertaking.

The highest standards of integrity, objectivity and independence must be applied by all staff members involved in a procurement process.

## **4.5 Breach of Policy**

Any breaches of this Policy will be escalated to the CFOO and/or Chief Executive.

## **5. RESPONSIBILITY**

### **5.1 Business Units**

Business Units are responsible for identifying the procurement needs of their unit, scoping the services, supplies, and/or works required and complying with this Policy and the Procurement Procedure.

### **5.2 Procurement Unit**

The Procurement Unit is responsible for coordinating the procurement process with Business Units and monitoring compliance with this Policy and the Procurement Procedure.

### **5.3 Legal Unit**

The Legal Unit is responsible for providing legal advice on procurement issues.

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#### **5.4 Finance Unit**

The Finance Unit is responsible for monitoring expenditure by each Business Unit and providing expenditure details to the Procurement Unit on a regular basis.

#### **5.5 CFOO**

The CFOO is responsible for ensuring that this Policy is kept up to date. Any proposed changes to this Policy must be reviewed by the CFOO and CLO and approved by the Chief Executive before they come into effect.

### **6. POLICY**

The procurement of all services, supplies and works shall be undertaken in a manner which aims to comply with applicable public procurement rules, regulations and to ensure that best value for money is achieved while meeting the requirements of Business Units.

Competitive tendering shall be the normal practice except in justifiable exceptional circumstances. Tender competitions shall be conducted in a fair and transparent manner, with probity and integrity.

Corporate and/or OGP Framework Agreements shall be utilised, where feasible, for the procurement of common services/supplies.

Tender documentation shall be drafted in a manner that maximises competition and facilitates access by Small and Medium Enterprises (SMEs) to procurement opportunities.

Without prejudice to the Directive/Regulations and any exceptions, all procurements shall be carried out in accordance with the requirements of this Policy and the Procurement Procedure.

If a Business Unit considers that a departure from this Policy is necessary, the Business Unit must submit an “Exception Request” via the Procurement CRM system. Further detail regarding the approval process for departures is contained in the Procurement Procedure.

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