



Corporate Procurement Plan 2020–2023

Approved by the Board of the Heritage Council on July 17th 2020



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1. Introduction

The Heritage Council is committed to meeting its obligations under National Public Procurement Policy. This involves ensuring that its procurement activities are focused on delivering value for money outcomes through analysis-based purchasing strategies that are consistent with EU and national procurement law.

The Heritage Council undertakes to improve procurement processes and expertise on an ongoing basis. It will ensure that its purchasing practices are compliant with relevant regulations and staff with responsibility for procurement have the necessary capabilities to operate in line with best practice. It is recognised within the organisation that a strategic approach to procurement will play a central role in achieving this.

This plan is underpinned by the following procurement principles:

- To achieve optimum value for money at all times
- To carry out procurement and procurement activities in a manner consistent with EU and national procurement law while adhering to official government policy and guidelines including procurement best practice
- To promote an increasing sustainable approach to procurement activities in terms of environment, social and financial considerations within applicable legislative constraints
- To ensure that all suppliers and tenderers are treated in an open, fair, transparent and objective manner

1.1 Background

The National Public Procurement Policy Framework requires that all non-commercial state bodies develop a corporate procurement plan which seeks to improve the way the organisation acquires and pays for goods and services. The *Code of Practice for the Governance of State Bodies* also highlights the need for a corporate procurement plan.



1.2 Methodology

This plan has been prepared in accordance with the National Public Procurement Policy Framework guidelines and the *Code of Practice for the Governance of State Bodies*. To prepare this plan the following steps were identified:

- An analysis of the Heritage Council's expenditure
- An analysis of existing procurement procedures and capabilities
- The development of a procurement strategy, which outlines the best processes for purchasing goods and services and methods of continuous improvement
- The development of a system of measurement to identify developments in the procurement process

2. Procurement overview and analysis

2.1 Procedures

Procurement is a key organisational function and it is vital that staff involved in the procurement process have a thorough understanding of public sector accountability and best practices in the methods and processes involved, including the use of framework agreements.

The responsibility for procurement is devolved within the Heritage Council. Each budget holder is responsible for the oversight of the procurement of supplies and services within their budget in line with the Heritage Council's policies and procedures.

The procurement procedures and guidelines are used to ensure a consistent and clear approach that can be applied to all procurement activities (please see Procurement Policy in Appendix A).

To further support staff budget holders will prepare and agree an annual operational plan that will identify all related procurement requirements. This will ensure that all procurement requirements are planned, scheduled and implemented in line with the Heritage Council's procurement policies and procedures and best practice.

2.2 Office of Government Procurement

The Heritage Council recognises and acknowledges the role of the Office of Government Procurement (OGP), which has been tasked with centralising public sector procurement arrangements for common goods and services. It is intended that a significant portion of all public sector body procurement function will ultimately be carried out by the OGP as it develops new framework agreements that can be used on an ongoing basis.



It is the Heritage Council's policy to check if an OGP framework agreement already exists by reviewing the information available at www.procurement.ie prior to commencing any tender competition. Non-use of existing frameworks agreements must be fully justified and documented in value for money terms.

2.3 Expenditure analysis

An expenditure analysis of the Heritage Council's financial spend data for 2019, extracted from the financial management system, was carried out to identify:

- the value of supplies and services by each supplier
- the level and type of business conducted with each supplier
- whether synergies can be achieved in coordinating the purchasing of similar supplies and services within the board.

The analysis included all suppliers that received payments totalling in excess of €5,000 during the last financial year.

This review identified a procurable spend by the Heritage Council in 2019 of €2,140,401.98, and the number of suppliers that received payments was 76.

The top 10 suppliers accounted for €1,224,407.14 or 57% of the total spend.



3. High-level goals/Implementation Plan

3.1 Goals

The Heritage Council has set clear and challenging goals to ensure that proper tendering procedures are in place for all purchasing, and that best practice is observed in line with national and EU guidelines.

To further achieve these goals the Heritage Council will continue to review existing procurement processes and to update systems and processes to assist all those involved in procurement to operate effectively and efficiently.

3.2 Implementation

The Heritage Council has also prepared an Implementation Plan which sets out a range of actions against which progress of the plan can be measured.

The management team will have a key role in the implementation of the plan, particularly due to their role in the approval and sign off of payments to suppliers.

Goal 1

The Heritage Council will ensure that there is a coherent and consistent approach to procurement across the organisation and that best procurement practice is complied with.

While the Heritage Council is clearly committed to ensuring that procurement procedures are conducted to the highest standards and in accordance with best practice, there is an ongoing need to pro-actively ensure ongoing compliance.

Goal 1 will be progressed through the following actions:

- Secure endorsement by the senior management team for the Corporate Procurement Plan.
- Ensure staff who are engaged in the procurement process are supported in their continuing obligation to achieve efficiency, effectiveness and best value for money for the Heritage Council, through the provision of training, both internal and external, for all staff with procurement responsibilities.
- The senior management team will prepare and agree an annual operational procurement plan.
- The management team will consistently review and monitor the implementation of this plan.



Goal 2

The Heritage Council will ensure that it follows best procurement practice through its processes and procedures when acquiring and receiving supplies and services from suppliers.

Spending public money requires high levels of probity and accountability, supported by a framework of mechanisms to ensure that standards are met. This includes reviewing the procurement processes, monitoring the outcomes of procurement activity, and assessing and disseminating the impact of legislative and regulatory changes.

Goal 2 will be progressed through the following actions:

- The Procurement Policy will be reviewed annually, and adapted and updated as necessary.
- All expenditure on services and goods over €5,000 will be reviewed annually to identify where proper tendering procedures were not fully applied.
- A plan will be prepared that outlines steps to be taken and appropriate timelines to tender for expenditure items that have been identified in the annual review.
- All high-level expenditure items will be identified and proper tendering systems put in place in each instance.
- All relevant changes to procurement regulations, policies or procedures will be communicated to all staff.
- Where necessary, external procurement expertise will be acquired to assist the Heritage Council to comply with its obligations.



Goal 3

The Heritage Council will ensure that there are appropriate levels of oversight in place to ensure that its procurement obligations are adhered to.

Good corporate governance, oversight, openness and transparency are key factors to ensuring that the Heritage Council complies with its procurement obligations.

Goal 3 will be progressed through the following actions:

- An annual report on the level of procurement compliance will be brought to the Audit, Risk and Finance Committee (ARFC) and the Board of the Heritage Council for review.
- All non-compliant expenditure will be outlined in the annual report.
- Annual independent internal and external audits will be conducted, and any recommendations arising from these audits will be implemented.
- All contracts with a value greater than €75,000 will be submitted to the ARFC for consideration and then to the board for approval.

Implementation Plan

Goal 1		The Heritage Council will ensure that there is a coherent and consistent approach to procurement across the organisation and that best procurement practice is complied with
Action		Target date and measure of delivery
1.	Secure endorsement by the senior management team for the Corporate Procurement Plan.	Endorsement to be secured by Q2 2020.
2.	The senior management team will prepare and agree an annual operational procurement plan.	An annual operational plan will be agreed by the senior management team by Q1 annually.
3.	Ensure staff who are engaged in the procurement process are supported in their continuing obligation to achieve efficiency, effectiveness and best value for money for the Heritage Council, through the provision of training, both internal and external, for all staff with procurement responsibilities.	Training needs will be assessed on an ongoing basis, and regular training will be provided to staff.
4.	The management team will consistently review and monitor the implementation of this plan.	Procurement will be a recurring item on the twice monthly meetings of the senior management team.



Goal 2	The Heritage Council will ensure that it follows best procurement practice through its processes and procedures when acquiring and receiving supplies and services from suppliers	
Action		Target date and measure of delivery
1.	The Procurement Policy will be reviewed annually and adapted and updated as necessary.	The Procurement Policy will be reviewed annually by the ARFC and the Board of the Heritage Council.
2.	All expenditure on services and goods over €5,000 will be reviewed annually to identify where proper tendering procedures were not fully applied.	A review of expenditure will be carried out by Q1 annually.
3.	A plan will be prepared that outlines steps to be taken and appropriate timelines to tender for expenditure items that have been identified in the annual review.	The management team will assess the annual expenditure review and agree actions for addressing any areas of non-compliance identified.
4.	All high-level expenditure items will be identified and proper tendering systems will put in place in each instance.	High-level expenditure items will be identified as part of the annual procurement review and will be included in the annual procurement plan.
5.	All relevant changes to procurement regulations, policies or procedures will be communicated to all staff.	Staff will be provided with updates on changes to procurement guidelines as they arise.
6.	Where necessary, external procurement expertise will be acquired to assist the Heritage Council to comply with its obligations.	An external procurement consultant has been appointed. This service will be drawn down when necessary.



Goal 3		The Heritage Council will ensure that there are appropriate levels of oversight in place to ensure that its procurement obligations are adhered to
Action		Target date and measure of delivery
1.	An annual report on levels of compliance with procurement will be brought to the ARFC and the Board of the Heritage Council for review.	A report on procurement will be brought to the ARFC and the board in Q2 of each year.
2.	All non-compliant expenditure will be outlined in the annual report.	A report on non-compliant expenditure will be included in the annual statement of internal controls, which will be included in the annual report.
3.	Annual independent internal and external audits will be conducted and any recommendations arising from these audits will be implemented.	The council's internal auditor will carry out a review of internal controls annually. The Comptroller and Auditor General will carry out an annual external audit.
4.	All contracts with a value greater than €75,000 will be submitted to the ARFC for consideration and then to the board for approval.	All contracts with a value greater than €75,000 will be brought to the ARFC and the board for consideration and approval. Where a consultant is appointed for a fee below the threshold of €75,000 but they may recommend the acquisition of goods/services/works in excess of this amount, the appointment should be brought to the ARFC for consideration and recommendation.



Appendix A – Procurement Policy

General

Tenders/quotations should only be sought where the person seeking them is satisfied that an adequate source of funding is available, and approval has been provided by the relevant budget holder.

Although the method of procurement may vary depending on the nature and value of the goods and services being sought, the following procedure should be followed in every case:

- **Specification:** the specification must set out as precisely as possible what is being sought. If at all possible, goods or services sought should be an easily sourced commodity rather than a bespoke item or service. If price is not the only reason for assessment, the method of assessment must be made clear. Where relevant the specification should refer to the Freedom of Information Act and include any logos or publicity that may be required under European Union, National Development Plan or other regulations.
- **Request for submissions:** the method followed depends on the value of the goods or services.
- **Report on submissions:** a report must be prepared stating the procurement method used, the submissions received, the assessment process, the supplier recommended and the reason for the recommendation.
- **Approval:** the purchase should be approved by an authorised person. No purchases should be made without the necessary prior approvals. Before tendering for services with an estimated value of €5,000 a tender request form (Appendix 5) should be completed.

Procurement method

When procuring goods and services, follow these procedures for below EU thresholds (all figures are exclusive of VAT):

- Supplies or services **less than €5,000 in value** can be purchased on the basis of one written quotation from one or more competitive suppliers.
- Supplies or services **between €5,000 and €25,000 in value** can be purchased on the basis of responses to written specifications sent to at least three suppliers or service providers.
- Contracts for supplies and services **above €25,000 and up to the value of the EU threshold** should be part of a formal tendering process. All public contracts for goods and general services above €25,000 should be published on www.etenders.gov.ie.



EU thresholds

The EU Procurement Directives impose obligations on contracting authorities to:

- advertise their requirements in the *Official Journal of the European Union* (OJEU)
- use procurement procedures that provide open and transparent competition
- apply clear and objective criteria, notified to all interested parties, in selecting tenderers and awarding contracts
- use broadly based non-discriminatory technical specifications
- allow sufficient time for submission of expressions of interest and tenders.

It is a legal requirement that contracts with estimated values above the thresholds (see Appendix 1) set out in the directives (apart from some defined exceptions) are advertised in the OJEU and that these contracts are awarded in accordance with the provisions of the directives.

Office of Government Procurement (OGP)

Prior to commencing the procurement process consult the OGP website to determine whether an OGP framework is in place and if the good/service can be purchased through the OGP. Staff should note the existence of framework agreements for common goods and services under the OGP.

Department of Public Enterprise and Reform Circular 16/13: Revision of arrangements concerning the use of Central Contracts put in place by the National Procurement Service (NPS) states that central procurement frameworks and contracts established by the OGP and the NPS are designed to optimise benefits to the public service through the strategic aggregation of its buying power. It is government policy that public bodies where possible should make use of all such central arrangements.

Where for operational reasons OGP frameworks are not used, the reason for this should be documented.

The OGP has published a standard suite of templates for the procurement of low to medium risk goods and services. These should be used where possible and are available at <https://ogp.gov.ie/templates-2/>.



Contract value

When calculating the value of a contract the following guidelines should be followed:

- The estimated value of a contract is based upon the total amount payable excluding VAT and inclusive of any form of options and renewals.
- For a series of similar or related contracts the total value of all those contracts should be added together during the same period to determine the contract value from the organisation's perspective. It is the aggregate value that determines how the good/service should be tendered. In this regard consider the frequency of the requirement, e.g. if the same supplies or services are purchased on a regular basis, the aggregate value could potentially be much higher.
- All contracts should contain a contract value.

Authorisation

Prior to ordering a good or service authorisation should be issued by an appropriately authorised person.

The limits for approving recommendations or accepting tenders or quotations are as follows:

Position	Approval limit
Head of Service	Up to €25,000
Chief Executive Officer (CEO)	Up to €75,000
Board of the Heritage Council	Above €75,000
Where board approval is required, the proposed expenditure should first be brought to the Audit, Risk and Finance Committee (ARFC) for consideration and recommendation.	

Where a consultant is appointed for a fee below the threshold of €75,000 but they may recommend the acquisition of goods/services/works in excess of this amount, the appointment should be brought to the ARFC for consideration and recommendation.



Invoice approval

Invoices for approval of payment can be authorised by the following staff:

Name	Position
Virginia Teehan	CEO
Beatrice Kelly	Head of Policy and Research
Isabell Smyth	Head of Education and Communication
Ian Doyle	Head of Conservation
Michael O'Brien	Head of Business Services
Paula Drohan	Head of Finance
Anna Meenan	Traditional Farm Buildings Project Manager <i>(in accordance with agreement with the Department of Agriculture, Food and the Marine)</i>

Evaluation

The evaluation and award process must be demonstrably objective and transparent and based solely on the published criteria. Costs should be evaluated exclusive of VAT and in accordance with the formula set out in Appendix 3.

- Where price is the sole criterion, the contract will be awarded to the lowest priced bid complying with the specified requirements.
- Where 'most economically advantageous tender' (MEAT) is the basis, the contract must be awarded to the tender which best meets the relevant criteria. In addition to price this will include other criteria relevant to the subject of the contract. The criteria, with the relevant weighting, will have been pre-established and made known to the tenderers.

Tenders must be evaluated objectively and transparently against the published weighted criteria.

Record retention

The records must show that the procurement process has been followed. A Standard Procurement Checklist must be held at the front of the file and completed as the procurement process progresses. Please see Appendix 2.

Written records supporting all procurement decisions, including business case submissions, should always be retained for a minimum of three years for audit purposes. This includes all information on the tender process undertaken, evaluation and award of contract. For tender processes over €5,000 this information should be retained in hard copy and provided to the Head of Business Services for filing.



Electronic records should be stored at the following location: **R:\HC Internal Ops\Procurement**

The procurement file should include the business case/specifications/research conducted/procurement process from advertisement through to award of contract.

Standstill period

A standstill period of a minimum of 14 days should be observed between a contract award date and the contract signing date for above EU threshold procurement. While a standstill period is not obligatory for values below this, it would be considered good practice to allow a standstill period, and consideration should be given to this when estimating the time that a particular procurement process will take.

Conflict of interest

Staff should be aware of potential conflicts of interest in the tendering process and should take appropriate steps to avoid them. All members of an evaluation committee assessing tenders in excess of €25,000 should complete the attached conflict of interest form (Appendix 6) prior to the evaluation meeting. Copies of these conflict of interest forms should be kept with the procurement file. It is the responsibility of the person convening the evaluation committee to ensure that these forms are completed.

Notification to tenderers

Letters of intent/award should be sent to the successful tenderers. Unsuccessful tenderers should be provided with adequate reasons, including comparisons of score to the successful tenderer, as to why their tender was not successful. Template letters can be found on the OGP website:

<https://ogp.gov.ie/public-procurement-guidelines-for-goods-and-services/>.

Contract management

It is the responsibility of contract owners to ensure that contracts do not roll over indefinitely. Copies of all contracts should be provided to the Head of Business Services who will maintain them on a central register, in hard and electronic forms. The Head of Business Services will enter all contracts in the Microsoft Office task function and a notification will issue when contracts are within four months of their expiry date and on their expiry date.

Procurement will be a recurring item on the management team agenda, and contracts approaching expiry will be reviewed at these meetings.

Before awarding a contract, staff should ensure that tenderers have regard to statutory provisions such as minimum pay, legally binding industrial or sectoral agreements, relevant health and safety and accessibility issues, and any other relevant issues.



Before awarding a contract, staff should ensure that tenderers have all necessary insurances in place.

The CEO should sign all contracts with a value above €25,000.

Contract extension

Where a clause for the extension of a contract is being exercised, this should be approved in advance as follows:

- Where the value of a contract is less than €75,000, the extension should be approved by the CEO.
- Where the value of the contract exceeds €75,000, the extension should be approved by the board.
- Where board approval is required, the proposed expenditure should first be brought to the ARFC for consideration and recommendation.

A report should be provided to the board/CEO/ARFC (whichever is appropriate regarding the approval thresholds) setting out the reasons for the contract extension and assessing the performance of the contractor against the terms of the contract and where appropriate procurement legislation. Contracts should not be extended without prior authorisation.

The term of any contract should not exceed five years, inclusive of options for extensions. The total number of potential extensions should not be greater than three. Individual extensions should be for a period not exceeding 12 months.

In the case of fixed price contracts, extensions in time may be provided subject to approval from the CEO and subject to there being no increase in price.

Tax clearance procedures

Before a contract is awarded, the successful tenderer must hold a valid Tax Clearance Certificate from the Revenue Commissioners.

Revenue provides an online verification facility to allow third party access to the applicant's tax clearance status.

This secure facility can only be accessed with the permission of the applicant, who will quote their customer number and tax clearance number, which appear on the certificate. Access to the online verification can be located at www.revenue.ie.



Sole supplier

Because it is contrary to achieving value for money through open and fair competition, single supplier action should normally be avoided. Where a single source supplier is being used, prior permission from the CEO should be received using the single source supplier form at Appendix 4. A copy of completed forms should be provided to the Head of Business Services. Where the CEO is completing a single source supplier form, this should be approved by either the chairperson or the ARFC.



Appendix 1 – Thresholds

Thresholds (exclusive of VAT) above which advertising of contracts in the *Official Journal of the European Union* is obligatory, applicable from 1 January 2020.

Works	Value	Who it applies to
Contract Notice	€5,350,000	Threshold applies to government departments and offices, local and regional authorities, and public bodies
Goods and services		
Contract Notice	€139,000	Threshold applies to government departments and offices
Contract Notice	€214,000	Threshold applies to local and regional authorities and public bodies outside of the utilities sector
Contract Notice	€750,000	All services concerning social and other specific services listed in Annex XIV of the EU Directive 2014/24/EU
Utilities		
Works contracts Prior Indicative Notice	€5,350,000	For entities in utilities sector covered by GPA
Goods and services	€428,000	For entities in utilities sector covered by GPA



Appendix 2 – Checklists

2.1 Checklist for the procurement of goods/services valued from €5,000 to €25,000

(must be held at the front of the file)

Description of project _____

1.	Specification of goods to be received	
2.	Confirmation that at least three quotations sought, e.g. copies of emails, registered post	
3.	Copies of submissions received	
4.	Record of evaluation meeting if appropriate	
5.	Report on submissions	
6.	Approval of authorised person	
7.	Letters of regret/acceptance (to include standstill if appropriate)	
8.	Any general correspondence	

2.2 Checklist for the procurement of goods/services valued over €25,000

(must be held at the front of the front of file)

Description of project _____

1.	Business case if required	
2.	Tender notice on eTenders	
3.	Tender documentation	
4.	Details of any additional information issued/tender clarifications (e.g. log of queries received and responses issued)	
5.	Signed opening sheet/eTenders postbox printscreen	
6.	Tender submissions received from all candidates	
7.	Tender evaluation report	
8.	The relevant board/committee's recommendation if relevant	
9.	Confirmation of appropriate approval of the successful candidate	
10.	Letters issued to unsuccessful and successful candidates including standstill period	
11.	Letter of intent	
12.	Additional information required (e.g. insurance, health and safety statements, tax clearance)	
13.	Letter of agreement/acceptance	
14.	Contract award notice published in eTenders	
15.	Award notice published on Heritage Council's website	



Appendix 3 – Cost criteria

Marks for cost criteria should be allocated using the following formula:

$$\text{Cost score} = \frac{\text{lowest tendered rate}}{\text{tendered rate under evaluation}} \times \text{maximum number of marks available}$$



Appendix 4 – Single Source Supplier Form

This form must be completed where the intention is to obtain a single quotation or tender.

1. Suggested supplier: _____

2. Please specify the type of purchase:

Goods

Services

Works

3. Full description of goods/services/works:

4. Estimated value: _____

5. Reason (any additional information supporting your case should also be attached):

(NB Because it is contrary to achieving value for money through open and fair competition, single supplier action should normally be avoided. Please give full details of the reason why you believe that there is only one supplier for the item described above and that no alternative is available. Efforts to identify alternative suppliers should also be included)



6. Requester:

Name	Position	Signature	Date

7. Approval:

Name	Position	Signature	Date



Appendix 5 – Tender Request Form

Tender request form for purchasing goods/services with an estimated value of greater than €5,000 value

1. Title of goods/services required
2. Give a brief outline of existing service (if applicable)
3. Purpose of service – provide a description of the service/good to be purchased
4. Please specify an initial assessment of the cost of the good/service (please ensure that this assessment includes the value of any potential contract extensions)



5. Indicate which process will be used to advertise the contract:

eTenders national/non-EU

eTenders EU (above €25,000)

Request for quote (RFQ) (€5,000–€25,000)

Draw-down from OGP

RFQ approval: _____
Head of Service, the Heritage Council

Date: _____

RFT (eTenders) approval: _____
CEO, the Heritage Council

Date: _____

Requestor: _____

Date: _____



Appendix 6 – Evaluation team member declaration

Evaluation team member declaration regarding conflict of interest and confidentiality/ data protection undertaking

Name:	Job title:
Tel:	Email:
Organisation and department:	
Procurement project/exercise:	Request for tenders for:

Conflict of interest

‘Conflicts of interest’ are defined in Regulation 24(2) of the European Union (Award of Public Authority Contracts) Regulations 2016 to include ‘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’. By Regulation 24(1), contracting authorities are obliged to take appropriate measures to effectively prevent, identify and remedy conflicts of interest arising in the conduct of procurement procedures, to facilitate its compliance with Regulation 24(1).

It is your responsibility to ensure that any and all potential conflicts of interest are disclosed to the Heritage Council (in writing prior to you becoming involved in the tender evaluation process. The Contracting Authority shall not permit a person to participate in a procurement procedure if that person has a conflict of interest within the meaning of Regulation 24(2) which cannot be remedied. Decisions in respect of conflicts of interest shall be made by the Contracting Authority.

It is important to note that it is not necessary that a person’s impartiality and independence are actually compromised; a conflict of interest will arise where a person’s impartiality and independence are merely perceived to be comprised. Examples of conflicts of interest include (*this is not an exhaustive list*):

- having a financial interest (e.g. holding shares or options) in a tenderer or any entity involved in any tendering consortium
- having a financial, economic or other personal interest in the outcome of the evaluation of any tender evaluation process
- being employed by (as staff member or volunteer) or providing services to any tenderer
- being a member of a tenderer’s management/executive board
- receiving any kind of monetary payment or non-monetary gift or incentive from any tenderer or its representatives



- canvassing, or negotiating with, any person with a view to entering into any of the arrangements outlined above
- having a close member of your family (which term includes unmarried partners) or personal friends who fall into any of the categories outlined above
- having any other close relationship (current or historical) with any tenderer. (It is important to note in this regard that a person's previous relationship with a tenderer which ended badly could be perceived by that tenderer to affect that person's impartiality.)

It is important to emphasise that conflicts of interest are not limited to the examples above and that in considering whether or not there are circumstances which might give rise to a conflict of interest it is not sufficient simply to consider those examples; rather it is necessary to consider whether circumstances exist which could be perceived to compromise your impartiality and independence in the context of the procurement procedure.

Confidentiality undertakings

'Procurement project/exercise' encompasses any formal and informal meetings, associated discussions, meeting preparation and follow-up or any other activity related to the procurement project and/or exercise.

'Data' means all information, facts, data and other matters of which I acquire knowledge, either directly or indirectly, as a result of my activities as an evaluator of any supplier Pre-Qualification Questionnaire or tender submissions or tender interviews/presentations, etc.

'Personal Data' means any information relating to an identified or identifiable natural person (a **'Data Subject'**).

'Processing' means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

'Documents' means all draft, preparatory information, documents and any other material in either paper or electronic form, together with any information contained therein, to which I have access, either directly or indirectly, as a result of my participation in any procurement exercise. Furthermore, any records or notes made by me relating to information or documents shall be treated as confidential documents.

'Evaluation Team' is the team to carry out the evaluation of proposals received in response to a tender process whereby the team will recommend tenderers for admittance to a framework agreement and/or award of contract.



‘Chair of the evaluation team’ is the Heritage Council staff member nominated to lead the evaluation process and direct evaluation team members.

‘Sourcing team’ means any person, including any Heritage Council staff member, who is part of a sourcing team, and who is involved in one or more of the following: specification design, competition design, setting award criteria and tender evaluation for a particular procurement process.

I understand that I may be invited to participate either directly or indirectly in the procurement exercise and that in doing so I will receive data, which may include personal data, and agree:

- to treat all data and documents under conditions of strict confidentiality
- not to disclose, make copies of or discuss any received data with any person who is not a member of the sourcing team (without the prior written approval of the chair of the evaluation team)
- not to use (or authorise any other person to use) data and documents other than for the purpose of my work in connection with the procurement process
- to process any personal data only under the authority of the Contracting Authority and on the instructions of the Contracting Authority, unless required to do so by EU or Irish law
- to immediately notify the DPO at the Contracting Authority if I become aware of any loss or compromise of any personal data or any circumstances that could have resulted in unauthorised access to or disclosure of personal data
- to return all hardcopy documents to the chair of the evaluation team and delete any electronic form (if any) as soon as the evaluation process is complete.

Unless otherwise agreed with the chair of the evaluation team, and subject to relevant legislation, this undertaking applies until the end of the contract, including any contract extensions.

This undertaking shall not apply to any document or information that becomes public knowledge otherwise than as a result of a breach of any of the above undertakings.



Please complete and sign the following declaration.

Declaration

Are you aware of any circumstances which could be perceived to compromise your impartiality and independence in the context of the procurement procedure? Please read the information above concerning conflicts of interest before ticking the boxes marked 'Yes' and 'No' below:

Yes **No**

If Yes, please provide details in the box below:

I hereby declare that the above is an accurate and complete declaration of all circumstances of which I am aware which could be perceived to compromise my impartiality and independence in the context of the above procurement process. I undertake to inform the Heritage Council of any such circumstances of which I become aware during the lifetime of the procurement process.

By signing this declaration I agree that I will conform to the confidentiality and data protection undertakings as outlined above.

I accept that the Heritage Council may take appropriate action in relation to conflicts of interest, including termination of my involvement in the affected procurement procedure.

If you become aware of any change to the content of this Declaration, you are obliged to notify the Heritage Council of the change as soon as such information becomes available to you. Any conflict of interest or potential conflict of interest must be fully disclosed the Heritage Council as soon as the conflict or potential conflict becomes apparent.

Name (block capitals)	
Signature	
Date	
Position	