

General information

Scope of reporting		
This report covers the period between 1 st January 2017 and 31 st December 2017		
General information		
Number of awarded contracts- In 2017 there was a total of 2,285 contract award notices published, of that number 1,406 were below the EU Threshold with 879 above the EU Threshold.		
Publication L... ▲	Volume	Estimated Value (€m)
National	1,406	€261.27
OJEU	879	€6,033.56
Total	2,285	€6,294.82
Information on monitoring and reporting bodies		
<p>The OGP commenced operations in 2013 and together with Health, Local Government, Education and Defence, has responsibility for sourcing 16 categories of goods and services on behalf of the public service.</p> <p>The OGP and its sector partners are putting in place framework agreements and contracts through which public sector bodies can buy goods and services. As the State buys a wide range of goods and services, the sourcing model is broken down into 16 categories of expenditure. The 8 categories of common goods and services are procured by the OGP. Four sectors – Health, Education, Local Government and Defence – retain sector sourcing functions to procure the remaining categories that they are the main users of, on behalf of the State.</p> <p>The OGP Sourcing organisation is broken down into a number of portfolios, each dedicated to different categories of spend. The sourcing portfolios are: Information and Communications Technology (ICT); Facilities Management; Utilities, Fleet and Plant, Marketing, Print & Stationery; Travel, HR and Managed Services; Professional Services; and Spot Buying.</p>		

The OGP also has responsibility for procurement policy and procedures, sourcing systems and data analytics further information is available here <https://ogp.gov.ie/>. e-Tenders is the national procurement portal where all procurement competitions above €25,000 must be advertised nationally and is managed centrally by the Office of Government Procurement further information is available here www.etenders.gov.ie.

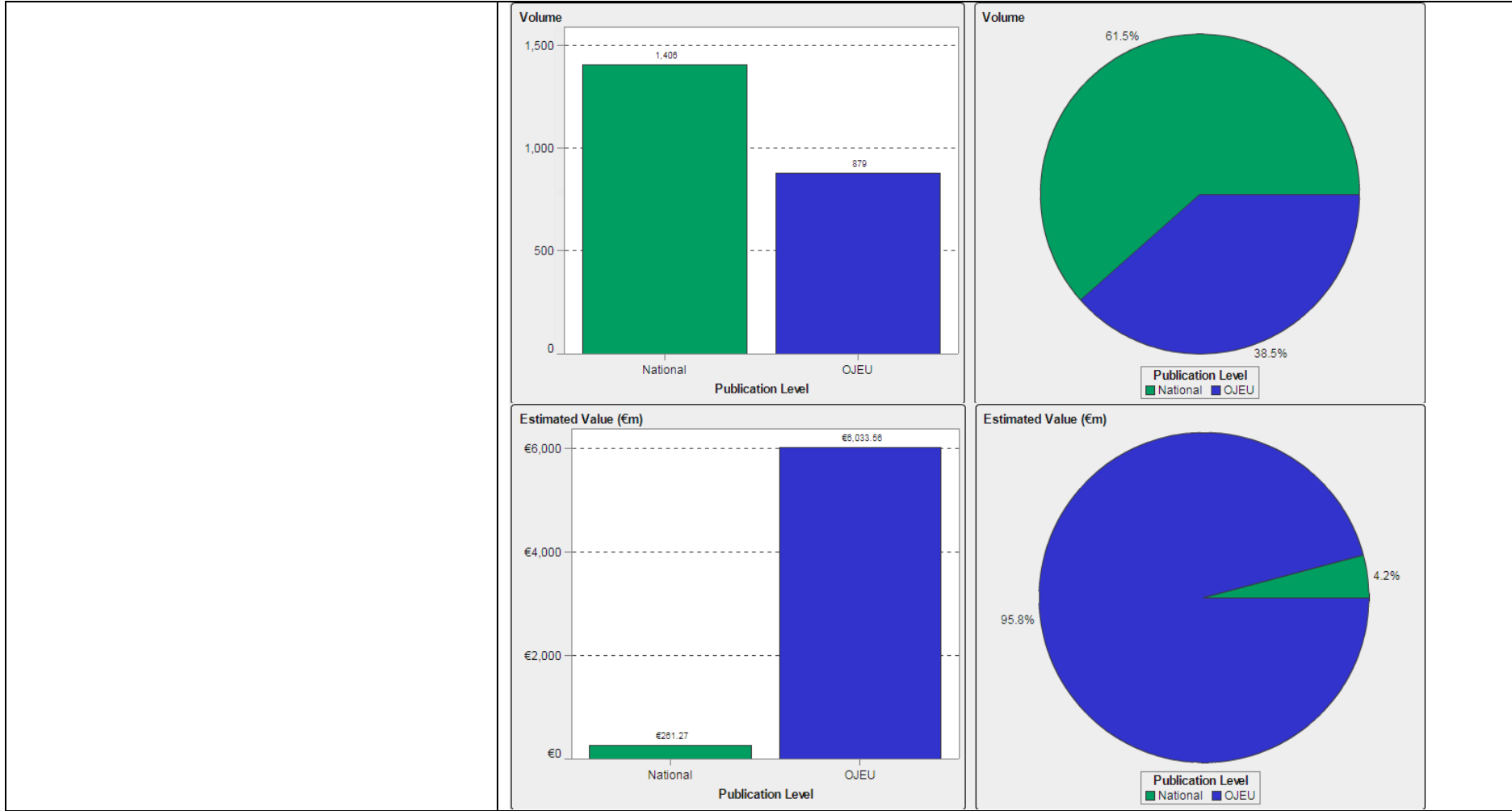
It is a matter for individual contracting authorities to ensure that their public procurement function is discharged in line with the standard accounting and procurement rules and procedures. Under Section 19 of the Comptroller and Auditor General (Amendment) Act, 1993, each Accounting Officer is personally responsible for the safeguarding of public funds and property under his or her control; for the regularity and propriety of all the transactions in each Appropriation Account bearing his or her signature; and for the efficiency and economy of administration in his or her Department. Public procurement practices are subject to audit and scrutiny under the Comptroller and Auditor General (Amendment) Act 1993, and the Local Government Reform Act 2014.

I. Estimation of the aggregated total value of procurement which would have been covered by the directives if its value had exceeded the relevant thresholds

Estimation of the aggregated total value of procurement which would have been covered by the directives if its value had exceeded the relevant thresholds

The estimated value of all procurement that took place in the state during 2017 according to contract award notices is estimated at €6.3 Billion. The estimated value for above EU threshold tendering is 6.03 billion.

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II. Most frequent sources of wrong application or of legal uncertainty, including possible structural or recurring problems in the application of the rules

II.1. Qualitative reporting on application of public procurement rules

The EU Procurement and Remedies Directives govern the way public authorities purchase goods, works and services. The rules are transposed into Irish law and apply to tenders for public contracts whose monetary value exceeds certain thresholds. It is a matter for individual contracting authorities to ensure that their public procurement function is discharged in line with the standard accounting and procurement rules and procedures. Under Section 19 of the Comptroller and Auditor General (Amendment) Act, 1993, each Accounting Officer is personally responsible for the safeguarding of public funds and property under his or her control; for the regularity and propriety of all the transactions in each Appropriation Account bearing his or her signature; and for the efficiency and economy of administration in his or her Department. Public procurement practices are subject to audit and scrutiny under the Comptroller and Auditor General (Amendment) Act 1993, and the Local Government Reform Act 2014.

The Office of Government Procurement (OGP) has responsibility for developing and setting out the overarching policy framework for public procurement in Ireland. In this regard, the OGP has progressed the [National Public Procurement Policy Framework](#) which enables a more consistent approach to public procurement across the public sector by setting out the procurement procedures to be followed by public bodies. The framework supports contracting authorities when awarding contracts for works, goods and services, enables public bodies to adopt procedures to meet their public procurement requirements, and facilitates compliance with EU and National procurement rules.

The OGP's [Public Procurement Guidelines for Goods and Services](#), launched in 2018 and updated in 2019, are a comprehensive interpretation of the public procurement directives designed to improve consistency and promote best practice in the application of the public procurement rules. However, as set out above, while the guidelines facilitate and enable compliance with public procurement rules, it is the responsibility of each contracting authority to ensure they adhere to these rules.

The [Tender Advisory Service](#) (TAS), launched in December 2014, provides an informal outlet for potential suppliers to raise concerns in relation to live tender processes. The service became operational in February 2015 and is managed by the Office of Government Procurement (OGP). TAS

	<p>liaises with potential suppliers and contracting authorities to clarify or query tender documentation and, where necessary, makes suggestions to contracting authorities aimed at resolving the concerns that have been raised. An internal review of TAS was conducted by the OGP after the first year of operation of the service. The review was published in 2016 and concluded by recommending that the service should be continued for another year and efforts should be made to increase awareness amongst both suppliers and buyers. An external review, as provided for in the Programme for Government, was carried out in 2017 and the final report was submitted to and discussed with Key Stakeholders. Amongst its findings the report stated that TAS was a positive development in the public procurement landscape but steps could be taken to improve the awareness of the service in the SME community. The OGP has taken on board the findings of the report stakeholders feedback and re-launched and rebranded the service alongside implementing a strategy to increase awareness.</p> <p>https://ogp.gov.ie/tender-advisory-service/</p>
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III. Prevention, detection and adequate reporting of cases of procurement fraud, corruption, conflict of interests and other serious irregularities

<p>III.1. Qualitative reporting on fraud, corruption, conflict of interests etc.</p>	<p>As stated above The Office of Government Procurement (OGP) has responsibility for developing and setting out the overarching policy framework for public procurement in Ireland. In this regard, the OGP has progressed the National Public Procurement Policy Framework which enables a more consistent approach to public procurement across the public sector by setting out the procurement procedures to be followed by public bodies. The framework supports contracting authorities when awarding contracts for works, goods and services, enables public bodies to adopt procedures to meet their public procurement requirements, and facilitates compliance with EU and National procurement rules. While the Policy Framework facilitate and enable compliance with public procurement rules, it is the responsibility of each contracting authority to ensure they adhere to these rules.</p>
	<p>Public Procurement Guidelines for Goods and Services https://ogp.gov.ie/public-procurement-guidelines-for-goods-and-services/</p> <p>General Information notes https://ogp.gov.ie/information-notes/</p> <p>Information in relation to Construction Procurement https://constructionprocurement.gov.ie/</p> <p>Code of Practice for the Governance of State Bodies http://www.per.gov.ie/en/revise-code-of-practice-for-the-governance-of-state-bodies/</p> <p>Ethics in Public Procurement http://etenders.gov.ie/Media/Default/SiteContent/LegislationGuides/10.%20Ethics%20in%20Public%20Procurement.pdf</p>

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IV. Level of SMEs' participation in public procurement

SMEs are defined in the Commission Recommendation (2003/361/EC) as having less than 250 persons employed and an annual turnover of up to EUR 50 million or a balance sheet total of no more than EUR 43 million. Further information is available at http://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en.

IV.1. Qualitative reporting on SME participation	<p>Public procurement is key priority for Government and has undergone significant reform aimed at ensuring sustainable delivery of much needed public services while also encouraging and supporting SME participation in these business opportunities. This approach is beneficial for the State because it nurtures competition which ensures value for money is maintained and provides SMEs with a platform to take advantage of similar opportunities in Ireland and across the European Union.</p> <p>Specifically, the Office of Government Procurement have developed a suite of policy measures aimed at assisting SMEs to access public procurement opportunities (implemented through Circular 10/14). These include:</p> <ul style="list-style-type: none">• Proportionate financial capacity criterion (turnover requirements limited to twice the contract value)• Contracting authorities are encouraged to divide public contracts into lots• Provision for “consortia bidding” to assist SMEs to participate in procurement procedures where they would not have the relevant capability or scale• Public bodies are required to advertise contracts for goods and services valued above €25,000 on the national eTenders portal <p>Minister of State Patrick O’Donovan, who has responsibility for public procurement, chairs quarterly meetings of an SME Advisory Group, in accordance with the Programme for Government. This ensures that the voice of Irish SMEs (through the industry representative bodies ISME, IBEC, SFA, Chambers Ireland, and CIF) is heard by Government. The Tender Advisory Service, which was re-launched in</p>
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	<p>2018, was set-up to assist SMEs with public procurement issues. This service is an initiative that was developed out of the SME Advisory Group.</p> <p>The OGP proactively engages with the Department of Business, Enterprise and Innovation, Inter-Trade Ireland and Enterprise Ireland to promote SME access to public procurement. The OGP participate at Go-2-Tender workshops and Meet the Buyer events held across the country which are designed to help SMEs.</p> <p>An SME Communication Strategy sub-group, chaired by the OGP, was established in 2017 as a joint venture with the industry representative bodies. This further promotes awareness of potential opportunities and supports available for SMEs in tendering for public contracts. A series of information videos explaining specific public procurement topics, along with case studies of SMEs who have won government contracts, was launched by Minister of State O'Donovan earlier this year. A series of focused and targeted breakfast briefings have also taken place around the country in conjunction with Inter-Trade Ireland and the SME Advisory Group partners. Further events are planned.</p> <p>The most recent Public Service Spend and Tendering Analysis report is for 2016. This indicates that of the analysed procurement addressable spend across the sectors and central Government departments that falls within the remit of the OGP and its sourcing partners, 94% spend is with firms within the State and 53% is with SMEs. This report also analyses 2016 tendering activity in the public service as recorded on the eTenders public procurement platform. That analysis shows that 76% of tender notices are smaller value (below OJEU threshold) tenders. The median (typical) estimated contract values for tenders analysed in 2016 is €80,000 and is less than or equal to €100,000 in 11 of the 16 spend categories of goods or services. This indicates that Government contracts in Ireland are accessible to SMEs given the low median size of estimated contract values.</p> <p>The OGP continues to proactively engage with business to enhance the significant measures already in place to support SME access to public procurement opportunities.</p>
	<p><i>Further information and data is available at this link</i> https://ogp.gov.ie/public-service-spend-and-tendering-analysis-report-for-2016/</p>

V. Information on the practical implementation of national strategic procurement

V.1 Green procurement ('GPP')	<p>Work to promote the incorporation of social and environmental considerations in public procurement is being progressed under the National Public Procurement Policy Framework which is the overarching policy framework for public procurement in Ireland. Under this framework, proposals to implement environmental considerations in public procurement are being developed through the Social Considerations Advisory Group which is chaired by the Office of Government Procurement (OGP).</p> <p>The OGP are currently developing a circular for Government Departments/Offices on promoting the use of environmental and social considerations in public procurement. The circular will direct Departments/Office to consider including environmental criteria in their procurements, where such clearly defined, quantifiable, verifiable and measurable criteria have been developed by the Dept of Communications, Climate Action and Environment (DCCAE). These criteria should, if they are relevant to that procurement, be met within a Department's existing budget without impacting on service delivery. The OGP have also been heavily involved in, along with Department of Communications Climate Action and Energy, the Interreg Project, GPP 4 Growth. This project brings together partners from nine countries, to exchange experiences & practices and improve their capacities on implementing resource efficiency policies that promote eco-innovation and green growth through Green Public Procurement (GPP).</p> <p>An overarching objective of all public procurement is the achievement of value for money. In implementing environmental considerations in public procurement, it is crucial that an approach is adopted that will further Government policy while also ensuring a competitive market place where suppliers can compete aggressively resulting in the desired pricing outcome. In areas where the market is not yet sufficiently competitive, a phased approach to environmental considerations in public procurement may be necessary to encourage the emergence of new suppliers with innovative solutions. Care should also be taken to ensure that the addition of environmental considerations to public contracts is done in a manner that does not mitigate against small and medium sized enterprises (SMEs) as they may not be in a position to bear the additional costs or administrative burden.</p>
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	The public service must demonstrate its commitment to sustainable development and use its influence to persuade others of the changes required to reduce our impact on the environment. By providing leadership in terms of environmental considerations in public procurement, public bodies can underpin the credibility of national environmental policy objectives and enhance Ireland's image as a 'green' economy.
V.1.1 Qualitative reporting	Currently we don't have the ability to determine whether procurement competitions are run with "Green" Procurement in mind, but we are aware of discussions at EU level on amendments to the e-forms which may make it possible to report on this activity.
Key challenges encountered	As above
V.1.2. Supporting documents	<ul style="list-style-type: none"> • <i>Buying Green Handbook</i> • https://ec.europa.eu/environment/gpp/buying_handbook_en.htm • <i>Green Procurement Guidance for the Public Sector</i> • http://www.epa.ie/pubs/reports/other/corporate/olq/greenprocurementguidanceforthepublicsector.html • <i>Green Tenders - An Action Plan on Green Public Procurement</i> • https://www.etenders.gov.ie/Media/Default/SiteContent/LegislationGuides/13.%20Green%20Tenders%20-%20An%20Action%20Plan%20on%20Green%20Public%20Procurement.pdf • <i>Social Considerations Information Note</i> • https://ogp.gov.ie/wp-content/uploads/Social-Considerations-Information-Note-Final_12.12.2018.pdf.
Please report any available evidence or supporting document for point V.1, illustrating the measures, achievements or challenges faced, relating to the promotion of green public procurement.	As stated above the OGP are currently developing a circular for Government Departments/Offices on promoting the use of environmental and social considerations in public procurement. The circular will direct Departments/Office to consider including environmental criteria in their procurements, where such clearly defined, quantifiable, verifiable and measurable criteria have been developed by the Dept of Communications, Climate Action and Environment (DCCA). These criteria should, if they are relevant to that procurement, be met within a Department's existing budget without impacting on service delivery, and embedding these practices will be important going ahead. There will be an obligation on Contracting Authorities to report on GPP in their annual reports under this circular.

V.1.3. Quantitative indicators	<p>Currently we don't have the ability to determine whether procurement competitions are run with "Green" Procurement in mind, but we are aware of discussions at EU level on amendments to the e-forms which may make it possible to report on this activity.</p>
V.2 Socially responsible public procurement ('SRPP') Material on the advisory group	<p>The OGP are keen to explore to scope for supporting wider policy objectives including social and environmental clauses in public contracts.</p> <p>Social clauses can be used where they are targeted at factoring into the procurement process consideration of issues such as employment opportunities, equal opportunities, social inclusion and sustainability. In order to be compatible with EU law, these conditions must be made known to all interested parties and must not restrict participation by contractors from other Member States.</p> <p>This is a complex area and challenges arise from the need to ensure that:</p> <ul style="list-style-type: none"> • value for money is not adversely affected; • additional costs are not placed on domestic suppliers relative to other potential suppliers; • contracts are of a minimum scale to absorb the increased administrative requirements; and • the targeted benefit is capable of being measured and monitored during execution of the contract. <p>Care must also be taken not to disproportionately impact on SME's bidding for public contracts. If a blanket suite of social benefit clauses was attached to all public procurement opportunities it is likely that this would be ineffective and disproportionately favour larger enterprises and reduce competition in supplying goods and services to the State.</p> <p>In general, the inclusion of social clauses in a procurement process would appear to be most effective where the benefit could be considered a core requirement and can be directly linked to the contracting authority's policy or strategic plan. A further consideration is the ability of contracting authorities to effectively monitor compliance with the social clause. This may be more difficult where some of the work is to be performed in another Member State.</p>

	<p>Within the most recent EU Directives there is a greater scope and legal clarity in relation to the use of social criteria in the context of an open, competitive and non-discriminatory public procurement regime which delivers best value for money. Contracting Authorities are therefore already free to include social benefit clauses in public procurement processes. The OGP published an information note which covers the area social considerations and it can be found here https://ogp.gov.ie/wp-content/uploads/Social-Considerations-Information-Note-Final_12.12.2018.pdf. The OGP have also formed a Social Considerations Advisory Group consisting of membership from across the public sector. This group will analyse appropriate policies which can be advanced through public procurement along with discussing other issues in this area.</p>
<p>V.2.1 Qualitative reporting</p>	<p>Currently we don't have the ability to determine whether procurement competitions are run with "Social Considerations" in mind, but we are aware of discussions at EU level on amendments to the e-forms which may make it possible to report on this activity.</p>
<p>V.3 Public procurement of innovation</p>	<p>A new process under 2016 Regulations that can be used by contracting authorities where there is no existing good or service currently available on the market that meets its needs. The aim of an innovation partnership is the development of an innovative good, service or works and its subsequent purchase provided it corresponds to the performance levels and maximum costs agreed between the contracting authority and the participants. A record of clear reasons for selecting this approach is required. Links to further guidance on innovation is included below.</p> <p>SBIR is a mechanism, which enables public sector bodies to connect with innovative ideas and technology businesses, to provide innovative solutions for specific public sector challenges and needs.</p> <p>SBIR falls under the category of pre-commercial procurement (PCP). PCP as defined by the European Union, involves the purchase of research by a Government entity, which is undertaken with the objective of stimulating innovation that the contracting authority or some other party may benefit from at a later stage, when goods or services are not currently available or developed from the outcomes of the research.</p> <p>Small Business Innovation Research (SBIR) Ireland is the national innovation pre-commercial procurement initiative administered by Enterprise Ireland. SBIR Ireland's aim is to drive innovation across all sections of the Irish Public Sector via robust engagement with technology rich companies and organisations, through competitive challenges. SBIR itself is underpinned by a sharing of both risks and benefits between Contracting Organisations and Suppliers.</p>

	<p>Enterprise Ireland has established a dedicated fund to co-support innovative and competitive Challenges in partnership with Irish Contracting Authorities.</p> <p>Through SBIR, the Public sector can:</p> <ul style="list-style-type: none"> Identify innovative solutions by reaching out to organisations from different sectors including small and emerging businesses. Create new technical solutions through accelerated technology development, whilst risk is reduced through a phased development programme. Provide applicants with a transparent, competitive and reliable source of early-stage funding. <p>Through SBIR, SMEs can:</p> <ul style="list-style-type: none"> Compete for each demand driven project in a transparent manner. Demonstrate a route to market for their solution (SBIR is particularly suited to small and medium-sized business, as contracts are of relatively low value and operate in short timescales). Focus on specific identified needs, increasing the chance of exploitation as developments are 100% funded – it is not a government grant. Retain the intellectual property generated from the project (with certain rights of use retained by the contracting department).
<p>V.3.2. Supporting documents</p>	<p>Further information relating to SBIR in Ireland can be found by following this link https://www.enterprise-ireland.com/en/about-us/services/procurement/sbir-ireland/</p> <p>BUYING INNOVATION to SMART Procurement and SME Access to Public Contracts The 10 Step Guide http://etenders.gov.ie/Media/Default/SiteContent/LegislationGuides/25.%20Buying%20Innovation%2010%20Step%20Guide.pdf</p>

VI. Replicability

This section should provide information allowing anyone to fully replicate the quantitative results presented in the report.

Links to datasets used to prepare the report	The TED database for 2017 may be used for OJEU competitions but national competitions are not available outside of the Irish Office of Government Procurement.
Files used to obtain the results from the datasets	The URL to the TED data files can be found at: https://data.europa.eu/euodp/de/data/dataset/ted-csv

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Methodology for estimating the value of procurement which would have been covered by the directives if its value had exceeded the relevant thresholds

1. Classification and methodology

Indicate the basic characteristics of the methodology used by selecting from the options below. Description of the methodology is to be given in the subsequent section.

1.1. General approach:

- a) [data available under national publication requirements]
- b) [sample-based estimates]
- c) [combined]

Please note that in our opinion using existing administrative data is preferable, as it implies both lower administrative burden (no additional data collection is necessary) and higher data quality.

If a sampling approach is taken, both the source of the sample and the sampling methodology, provided in the following subsection, must be able to withstand careful scrutiny. This ensures that the estimate is representative of the whole Member State.

1.2. Source of data:

Source of data:	Scope: above national publication thresholds [✓]	below national publication thresholds [✓]
[e-notification platforms]		
[e-submission platforms]		
[invoices]		
[budgets]		

[other]		
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2. Methodology description

Indicate, amongst others, information on the sources of data, approaches taken to deal with possible missing data and erroneous data, and representativeness of the sample used (if a sample-based approach was taken). If methodology is different depending on the thresholds or source of data, please clearly indicate this, including the relevant thresholds.