



**Fáilte
Ireland**

An tÚdarás Náisiúnta
Forbartha Turasóireachta
National Tourism
Development Authority

Fáilte Ireland's Procurement Policy

JANUARY 2024 – VERSION 2.2



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1. Policy Statement

Fáilte Ireland is a Contracting Authority under EU law and adhere to EU Treaty Principles that include non-discrimination, equal treatment, transparency, mutual recognition, proportionality, freedom to provide service and freedom of establishment.

Fáilte Ireland seeks to obtain value for money in its purchasing activities whilst balancing the considerations of specification, quality, price, safety, health, welfare, ethics and service support.

Fáilte Ireland has agreed thresholds and authorisation limits which determine the particular quotation or tendering procedures to be followed, and the authorisation required before the organisation commits to spend; this must be followed for all purchases.

2. Policy Scope

This policy covers the procurement of all services, goods and works (referred to in this document under the general term “**Services**”) by Fáilte Ireland. This policy applies to all Fáilte Ireland employees and contractors.

The review of this policy will take place in May 2025 or change noted where there are threshold updates issued by the OJEU prior to that date.

3. The Role of the Fáilte Ireland Authority

In accordance with “**Procedures for Procurement**” as set out in the “**Code of Practice for the Governance of State Bodies**”, it is the responsibility of the Fáilte Ireland Authority to:

- satisfy itself that the requirements for public procurement are adhered to and to be fully conversant with the current value thresholds for the application of EU and National procurement rules
- satisfy itself that procurement policies and procedures have been developed and published to all staff
- ensure that competitive tendering should be standard procedure in the procurement process of State bodies. Management, and ultimately the Authority, should ensure that there is an appropriate focus on good practice in purchasing and that procedures are in place to ensure compliance with procurement policy and guidelines.
- ensure the adherence to EU Directives and National Regulations, which impose legal obligations on public bodies, in regard to advertising and the use of objective tendering procedures for awarding contracts above certain value thresholds.

4. Competitive Tendering Thresholds

Competitive tendering for Services is a basic principle of this Policy and should be used. Through effective tendering, Fáilte Ireland seeks to attain value for money, while ensuring that all risks and controls are managed.

Fáilte Ireland has a dedicated Procurement Unit. This Procurement function runs public procurement competitions for contracts with an Estimated Contract Value of or above (€50,000), runs EU Tendering Procedures with an Estimated Contract Value of or above the EU tendering threshold and will determine the most appropriate applicable procedure for all requirements. In addition, the Procurement Unit assists business units to fulfil requirements under the National Tendering Threshold (€50,000).

Value of Purchase	Quotation/Tender Procedure
Below €5,000	One Quote Process: The business unit seek one quotation
€5,000 & up to €50,000	Three Quote Process: Seek at least 3 written quotations
€50,000 & up to the EU Threshold ¹	Advertise on Government Procurement Website: Formal Tendering – National Procurement Guidelines
Equal to or over EU Threshold ¹	EU Tender Procedure: Following EU Directives

5. Tender Approval Limits

Value of Purchase	Approval Required
Up to €5,000	Executive or Officer (Level 5 or Level 4)
€5,000 and up to €50,000	Executive or Officer (Level 5 or Level 4)
Between €50,000 & up to €100,000	Manager
Between €100,000 & up to €500,000	Head of Division
Between €500,000 and €1,000,000	Director ²
Over €1,000,000	The Authority

¹ EU Threshold is €221,000

² In the case of the approvals of mini tenders, where the Authority has previously approved the award of a Framework Agreement, the Directors approval alone is required for any mini-tender where the value exceeds €1m.

6. Direct Awards

Competitive tendering is a basic principle of this policy and, unless a specific exemption/ exception applies, is also a legal requirement for contracts above the EU threshold. Accordingly, competitive tendering should be used except in the circumstances set forth in this Section 6.

Fáilte Ireland may make a compliant direct award of a contract without a competitive tendering process in the following limited circumstances:

- 1. Low Value Contracts:** Contracts with an Estimated Contract Value of below €5,000 may be awarded on foot of one quote.
- 2. Negotiated Procedure without Prior Publication:** Contracts that may be awarded using the negotiated procedure without prior publication in a limited number of narrowly defined circumstances, which are defined in the EU public procurement Directives. Regulation 32 sets out an exhaustive list of limited circumstances. The absence of a call for competition is a departure from the core principles of openness, transparency and competition and as such is a very exceptional procedure. It should be noted that circumstances set out in Regulation 32 are strictly interpreted by the Commission and the Courts. Where one of these exemptions is invoked, the contracting authority must be able to justify the use of the exemption. It is important that there is an audit trail including, where relevant, why the Open and Restricted Procedures were not considered appropriate.

7. Conflict of Interest

Fáilte Ireland seeks, at all times, to be objective and impartial in the procurement of services. All employees and contractors, who are members of an evaluation team for a formal procurement process, must complete a “**Conflict of Interest**” declaration, once informed of the names of the tenderers by the Procurement Unit.

Conflict of Interest refers to situations in which personal interests (which may include financial interests) may compromise, or have the appearance of, or potential for, compromising professional judgement and integrity and, in doing so, the best interests of Fáilte Ireland.

It is the individual's responsibility to ensure that all potential conflicts are disclosed to the Procurement Unit, in writing, prior to them becoming involved in any procurement process. Individuals will be excluded from the procurement process where the identified conflict is, in Fáilte Ireland's opinion, material and cannot be mitigated. The decision as to whether the identified conflict is material, and whether any mitigating arrangements are required, is to be made by the Procurement Team.

8. Confidentiality Undertaking

All employees and contractors, who are members of an evaluation team for a formal procurement process, must complete a **“Confidentiality Undertaking”** declaration once informed of the names of the tenderers by the Procurement Unit.

The person undertakes to treat all information and documents under conditions of strict confidentiality; not to disclose, make copies or discuss any received information with any person who is not a member of the Evaluation Team; not to use (or authorise any other person to use) information and documents other than for the purpose of their work in connection with the procurement process.

9. Contracts and Risk Management

The management of risk in respect of Fáilte Ireland contracts is of paramount importance. As part of Fáilte Ireland risk management, a number of standard tendering and contract templates are used and varied only in particular circumstances following legal review and consideration. The use of suppliers' contracts and/or terms & conditions is avoided.

Fáilte Ireland requires all suppliers to hold the appropriate and proportionate insurance levels for all engagements for the duration of that engagement. Such insurance requirements are outlined in the Invitation to Tender documentation, are a condition of tendering, and will, at all times, be proportionate and relevant to the specific engagement.

All Fáilte Ireland contracts (including any appendices etc.) are issued by the Procurement Unit. Details of all contracts will be stored by the Procurement Unit and the details will be available to relevant Fáilte Ireland staff via the Contract Management System. The Procurement Unit issues contracts via our electronic signature software. Relevant staff within the business unit are copied on the transmission of the electronic signature software so they will have access to a soft copy of the contract for day-to-day contract management purposes.

The Procurement Unit ensures that all contracts are approved subsequent to a formal tender process (EU or National). Contracts are signed on behalf of Fáilte Ireland by the Head of Division of the business unit involved in the procurement process or their Director.

10. Purchase Orders

Unless specifically exempted, Purchase Orders (P.O.s) must be raised and issued to the supplier by the business unit. By being transacted in this manner, it allows for an efficient and effective end-to-end process aiming to ensure that suppliers are paid on time, provide accuracy in respect of Fáilte Ireland's financial records and certainty that all controls and approvals are adhered to. It also allows the Procurement Unit and business unit to monitor spend and ensure payments made to suppliers do not exceed approved values.

11. Modifications

Where the contract in question is subject to EU public procurement law, any changes to the contract after it has been signed are controlled by law must be made in compliance with the applicable procurement rules. Unless an alternative approach has been specifically pre-agreed with Procurement, business units seeking to make changes to such contracts must contact Procurement for advice before making any commitment to a supplier in respect of a change. A justification will be required recording the procurement law basis for the change and this must be approved at an appropriate level as advised by Procurement (having regard to the value and risk profile of the change).

Where the contract in question is not subject to EU public procurement law, as a general rule, changes should only be made if they are related to the original subject of the contract and do not substantially alter the contract from what was originally awarded.

12. Reporting & Compliance with Policy

In addition to being subject to formal audits, both internal and external, the Procurement Unit has the role of authorising all purchase orders for requisitions raised on the purchase order processing system. Additionally, the Procurement Unit prepares paperwork, which is submitted to the Executive Team, Audit, Risk & Registration Committee and the Fáilte Ireland Authority for contract approval purposes.

13. Environmental, Social and Governance (ESG)

EU procurement rules seek to ensure greater inclusion of common societal goals in the procurement process. These goals include environmental protection, social responsibility, innovation, combating climate change, employment, public health and other social and environmental considerations. For each procurement process, Fáilte Ireland consider how ESG selection and award criteria could be incorporated into the process in line with the requirements of the tender.

Fáilte Ireland's Procurement Policy – Change Control

2021 – Version 1

Version	Change description ³ :	Reason for change ⁴ :	Change request by:	Approved by:	Date:	Roles:	Training/Comms Requirement ⁵ :
1.0	Issued final draft of the new Procurement Policy for review and approval	To update and separate the Policy and Procedures	Procurement Manager	MAC Recommendation & Authority Approval	MAC Recommended on: 21/04/2021 Authority Approved: 18/05/2021	Procurement Team	N/A
1.1	Approval Thresholds, MAC recommendation to increase approval levels. <i>Upper-level approval for:</i> <ul style="list-style-type: none"> • HoD from €50k to €100k • Director from €100k to EU Threshold¹ • MAC from EU Threshold¹ to Authority Threshold 	To allow more autonomy for directors and heads of division to manage their budgets which will result in further efficiencies in the procurement lifecycle.	MAC 21/04/2021	MAC Recommendation & Authority Approval	MAC Recommended on: 21/04/2021 Authority Approved: 18/05/2021	All Fáilte Ireland Staff	E-Zine Issued 8 th June 2021 Final version uploaded to MyFi MetaCompliance Issued Nov 2021
1.2	EU Threshold increased from €214k to €215k, applicable from 1 st January 2022	EU Commission confirmed the revised thresholds via OGP on 24/11/2021	Procurement Officer	Procurement Manager	04/01/2022	All Fáilte Ireland Staff	Ezine issued 10 th Jan 2022

³ **Change description:** This should include all changes made within the document.

⁴ **Reason for change:** details of the reason the document was updated. Change required as per change control to include any change required as a result of an audit finding

⁵ **Training/Comms Requirement:** List the training type required for the roles listed above (e.g., Read only training, procedural training). The training type required depends on the changes to the document and whether the trainee has been previously trained in the procedure or list how any changes were communicated.

2023 – Version 2							
Version	Change description ⁶ :	Reason for change ⁷ :	Change request by:	Approved by:	Date:	Roles:	Training/Comms Requirement ⁸ :
2	Issue the Procurement Policy for review and approval. Amends: 1. Updated wording in relation to seeking 3 quotes, in line with OGP policy 2. Updated the threshold values from €25k to €50k 3. Direct Award –Removed point 3. Exceptional Circumstances 4. Name Change from MAC to the Executive Team	Review is due every 2 years. Amends: 1. As per 2023 procurement audit 2. Circular 05/2023 3. Any instances that fall under Direct Award must meet requirements set out in point 1 or 2 only 4. Name Change	Procurement Manager	Authority Approval	26/05/2023	Procurement Team and All Fáilte Ireland Staff	Update to issue via eZine and MetaCompliance
2	Approval Levels Amended • Manager from €25k to €50k • HoD from €100k to EU Threshold • Remove Director approval	Amended the approval thresholds – as outlined by the Executive Team.	Executive Team 09/05/2023	ET Recommendation & Authority Approval	26/05/2023	Procurement Team and All Fáilte Ireland Staff	Update to issue via eZine and upload V2 Policy to MyFi
2.1	Approval Level Amended • Up to €50k from Managers to Level 5 & 4 • Up to €100k from HoD to Managers • Up to €500k from ET to HoD • Up to €1m from ET to Director Additional Section 13 added – for Environmental, Social and Governance (ESG)	Amends of the approval levels as outlined by the Executive Team Inclusion of compliance with ESG into the policy	Executive Team 26/07/2023	ET Recommendation & Authority Approval	28/09/2023	Procurement Team and All Fáilte Ireland Staff	Update to issue via eZine and upload V2.1 Policy to MyFi Relevant procedures to be updated
2.1	Amend of titles for level 4 and level 5 – not a substantial change.	To clarify the titles before Policy is published	Procurement Executive	Procurement Manager	03/10/2023	n/a	n/a
2.2	Update of the 2024 EU Threshold from €215k to €221k	To be updated in line with the comms from the OGP	Procurement Executive	Procurement Manager	20/12/2023	Procurement Team and FI Staff	Issue the update of V2.2 Policy to MyFi

⁶ **Change description:** This should include all changes made within the document.

⁷ **Reason for change:** details of the reason the document was updated. Change required as per change control to include any change required as a result of an audit finding

⁸ **Training/Comms Requirement:** List the training type required for the roles listed above (e.g., Read only training, procedural training). The training type required depends on the changes to the document and whether the trainee has been previously trained in the procedure or list how any changes were communicated.

Document Authors, Reviewers, Approvers

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<i>Approver</i>	<i>Authority</i>	<i>n/a</i>	<i>All other amendments</i>