

National Asset Management Agency

PROCUREMENT POLICY

2022/2023

Approved by NAMA Board on 15 December 2022



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1. Policy Statement

NAMA is subject to the public procurement rules pursuant to EU Directive 2014/24/EC, implemented in Ireland by the European Union (Award of Public Authority Contracts) Regulations 2016, in respect of the procurement of supplies, works and services above certain monetary EU thresholds.

2. Overall Objective /Purpose

The core objective of the NAMA Procurement Policy (the “Policy”) is to procure all goods, works and services required to deliver NAMA’s business objectives in compliance with the public procurement rules and applicable laws in such a way as to obtain optimum value for money, quality and efficiency throughout the procurement cycle. The effective and transparent control of costs is a key element informing the initial identification of business requirements, the procurement process adopted and the subsequent management of the awarded contract.

NAMA adopts the principles of transparency, equal treatment, fair competition, non-discrimination and proportionality in its procurement strategies.

3. Scope

This document sets out the policy which applies to the National Asset Management Agency (NAMA) when procuring goods, works or services. All NAMA Business Units within NAMA must comply with this Policy.

4. Definitions and Interpretation

“Business Units”: Business Units refer to all units and corporate functions within NAMA with responsibility resting with the relevant Executive Head.

“Directive”: Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts.

“EU Thresholds”: The monetary thresholds (exclusive of VAT) set out in the Directive/Regulations determining applicability of the Directive/Regulations and where such thresholds are subject to verification/revision by the EU Commission every two years from 1 January 2014.

“Laws”: The Directive, the Regulations and any other EU or national laws that may apply to any aspect of the procurement cycle including but not limited to: The Treaty of the Functioning of the European Union; S.I. No. 130 Of 2010 European Communities (Public Authorities’ Contracts) (Review Procedures) Regulations 2010; The Freedom of Information

Act 2014; and The General Data Protection Regulation (GDPR)¹.

“**Policy**”: this Procurement Policy

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

“**SME**”: Small and medium sized enterprises.

5. Policy Basis

The aim of the Policy is to ensure that procurement best practice is followed in NAMA so that ultimately value for money is achieved.

6. The Procurement Cycle

Fundamental to NAMA’s procurement function is adherence to applicable laws as set out in the relevant EU Directives as transposed in Ireland by corresponding Regulations and when the Directives do not apply, that competitive processes are undertaken to ensure value for money is obtained in a transparent manner.

The key areas in support of this Policy and subject to 7.2 are:

- **Advertising of contracts requirements** – Appropriate advertising requirements shall be set to ensure compliance with Laws, adequate competition to ensure value for money and NAMA business efficiency.
- **Budget monitoring** – There shall be a pre-approved budget for contracts which must be monitored pursuant to the Contract Budget Approval and Monitoring Procedure Document.
- **Responsibilities\Owner** – There shall be proper assignment of responsibilities with a specified business owner throughout the procurement cycle within NAMA to ensure Policy adherence.
- **Appropriate procurement processes** – There shall be appropriate procurement processes pursuant to Laws and proportional to the specific procurement.
- **Approval and execution of contracts** – Approval of contractual arrangements shall be at the appropriate level with sufficient oversight.
- **NAMA’s annual procurement plan** – There shall be an annual procurement plan pursuant to the Code of Practice for the Governance of State Bodies.
- **SME opportunities** – SME’s shall be facilitated pursuant to Laws and where possible in

¹ Which came into force on 25th May 2018

the tailoring of procurement strategies.

- **Environmental & Social Considerations in Public Procurement** – NAMA is committed to ensuring where feasible that environment and social considerations are considered and incorporated into any procurement where possible to do so. NAMA will follow the recommendations as set out in Government Circular 20/2019 “Promoting the use of Environmental and Social Considerations in Public Procurement” as may be updated from time to time.
- **Confidentiality and conflicts of Interest** – Shall be afforded the utmost importance and controlled pursuant to Laws, The NAMA Act 2009 and in line with best commercial practice.
- **Procedural Control** – Legal Procurement oversight on tender procedures with a particular focus on legal and regulatory compliance. Legal Procurement referral in instances of abnormally high or low bidding or if bid rigging or collusive behaviour is suspected.
- **Communications with tendering parties** – Shall be transparent ensuring equal treatment and pursuant to Laws.
- **Contract Management** – Shall be conducted pursuant to Laws and to ensure proper and effective management of contractual arrangements in obtaining best value for NAMA.
- **Record Keeping & Central Contracts Management System** – Shall be undertaken to ensure compliance with Laws and Government Guidelines, so proper auditable records are kept and can be easily accessible, and for the monitoring of contract spend.
- **Derogation from standard procedures approval and reporting** – Shall be approved as permissible by Laws and in the interests of NAMA’s business needs, value for money and best practice.

7. Responsibility

7.1 Business Units

Business Units are responsible for:

- complying with the Procurement Policy;
- consulting with the Legal Procurement Team in respect of procurement strategies, procurement documentation, third party correspondence (including procurement related audit queries) and contractual arrangements;
- preparing and submitting an annual procurement plan each year to NAMAProcurement@nama.ie. The plan should set out the Business Unit's planned

and potential procurements for the following year;

- providing well thought out and detailed scope of services, supplies and/or works required;
- the administration of contracts and the updating of the Central Contracts Management System (or the Non CCMS Contracts Register, if appropriate) following the conclusion of the procurement process including, budget, supplier performance, services monitoring and reporting as necessary to the Legal Procurement Team; and
- ensuring proper file records and access documentation held by the Business Unit that is relevant to procurement processes.

7.2 Legal Procurement Team

The Legal Procurement Team is responsible for:

- monitoring compliance by Business Units with the Procurement Policy;
- collating and presenting a Corporate Procurement Plan each year for NAMA Board approval;
- providing procurement strategy and legal advice to Business Units and NAMA Board as appropriate on all Procurement related matters and contractual arrangements;
- providing legal review and sign-off on relevant tender documents, communications with tendering parties and final contractual arrangements;
- the provision of on-going advice throughout the procurement cycle and life of the procured contract; and
- having responsibility for the review of the Procurement Policy to be approved by the NAMA Board on an annual basis.

8. Breach of Policy

Any breaches of this Policy will be escalated to the Chief Executive and Finance & Operating Committee as appropriate.