



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Corporate Procurement Plan

2022-2023

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1. Executive Summary

This Corporate Procurement Plan outlines the context in which the Commission for Communication Regulations (ComReg) operates as a public entity and the requirements of the organisation in relation to procurement. It will provide an understanding of the order of magnitude of procurement activities undertaken by the ComReg annually and outlines the procurement aims and objectives which underpins how the organisation approaches its procurement activities. The plan will help ComReg to benchmark its current procurement policies and practices and assist in identifying future procurement needs.

ComReg relies on the support of services providers in its pursuit of achieving its strategic objectives. Effective procurement of these services is therefore a key operational task for the organisation. This plan will provide an insight into how ComReg's internal procurement procedures operate in order to ensure best practise and compliance with both National and EU procurement rules.

The procurement policies and procedures within ComReg are continually reviewed to take account of changes in best practise, the guidelines of The Office of Government Procurement (OGP), and national/EU regulations. This plan will show how the procurement function within ComReg is well placed to deal with such changes by providing regular procurement updates to the organisation, ensuring updated policies and procedures are in place, and providing regular training sessions to staff.

2. Purpose

The OGP state that a Corporate Procurement Plan should achieve the following:

- Set out the organisation's strategic approach to procurement
- Identify procurement priorities
- Improve procurement planning and management of procurement needs
- Analyse procurement expenditure
- Review procurement and purchasing structures
- Understand supply chain and risks
- Help contracting authorities to evaluate their procurement
- Support and enable improved reporting

The purpose of this Corporate Procurement Plan is to set out ComReg's strategic approach to procurement and identify its procurement priorities. The Plan will look at the following:

1. Outline procurement objectives and how these will be achieved
2. Examine the expenditure profile on goods and services
3. Identify and address risk
4. Document existing procurement practices
5. Affirm adherence to EU and national procurement legislation, circulars and guidelines
6. Plan future procurement needs and identify procurement priorities
7. Outline the roles and responsibilities of the individuals involved in the procurement of goods and services in the organisation's procurement function

3. Scope

This Corporate Procurement Plan is for a period of two years. It will focus on procurement expenditure under two headings: General and Capital Expenditure. It will identify the procurement procedures, processes and practices operating with ComReg.

4. Procurement Objectives

Our objectives are listed from 1 to 7 below. Underneath each goal we have set out a series of measurable objectives. Value for Money is a key consideration for the organisation and while it is not explicitly mentioned below it is achieved by ensuring all the goals listed below are met.

1 – To deliver common practices of strategic procurement and contract management across the organisation

1. Communicate Corporate Procurement Plan across the organisation
2. Ensure Finance Unit is involved in the Tender preparation and evaluation of all tenders above the EU threshold and to assist in procurement processes that are more complex in nature
3. Review Contract Management procedures across the Divisions to ensure a consistent approach

2 – To support the organisation in achieving its strategic goals and help to ensure the organisation receives a high quality of service delivery from our suppliers

4. Work with Divisions to gain an understanding of key strategic goals and related procurement requirements
5. Review Contract monitoring procedures to ensure Vendors meet the requirements as set out in the contract
6. Hold a Quarterly meeting with all Divisions to gain an overview of their upcoming procurement requirements

3 – To support an efficient decentralised procurement process across the organisation

7. Ensure Procurement section of the Intranet is up to date and includes all relevant policies / documents
8. Seek feedback from staff on what improvements could be made to the Procurement section of the Intranet and to procurement processes more generally

4 – To achieve efficiencies and cost reduction through the procurement process

9. Ensure, when appropriate, Framework Agreements are used to maximise procurement efficiency
10. At the pre-tender stage consider if goods/services can be consolidated into a larger procurement which could reduce the administration burden
11. Ensure all suppliers submit electronic versions of their invoices and provide bank their details to ensure payment can be made by EFT

5 – To ensure compliance with all relevant policies and procedures

12. Review on a regular basis all policies, procedures and processes to ensure they reflect all updates with regard to best practice, OGP/National/ EU circulars
13. Monitor the amounts invoiced against a contract to ensure the commercial terms of the contract are complied with
14. Communicate updates to procurement policies and procedures via Intranet and issue a quarterly procurement Newsletter to all staff
15. Arrange training & seminars for staff
16. Ensure compliance with all legal requirements and with remote working contingency plans
17. Ensure legal advice is sought in more complex procurement matters

6 – To deliver procurement in line with government and corporate green strategies

18. Ensure the Procurement guidance documentation on the Intranet includes all relevant Green Procurement policies
19. Use of OGP contracts whenever possible

As ComReg's procurement is primarily in the area of services the focus of the Green Procurement will be on the Green credentials of our Service Providers.

5. Expenditure Profile

To aid in the development of the procurement function, ComReg's recent expenditure has been analysed to identify to see how ComReg's money has been spent. ComReg's procurement is divided between General and Capital Expenditure

The total rounded General Expenditure for the Commission in financial years was as follows: €13.7M for year ending 30.06.21 and €14.6M for year ending 30.06.20. This excludes Payroll costs, Premises & Related costs, Depreciation and International Subscriptions.

ComReg Expenditure Profile	Financial Year ending 30.06.21	Financial Year ending 30.06.20
	€M	€M
General Expenditure	13.7	14.6
Capital Expenditure	1.89	1.56
Total Overall	15.59	16.16

General Expenditure covers the day to day running of the Commission and includes procurement of Consultancy and Outsourcing, Equipment and IT Maintenance, Subscriptions to Databases/Research Reports and Conference/Meetings.

Capital Expenditure results in the existence of an asset, the cost of which is written off over its expected useful life.

Total General Expenditure can be further analysed by expense category as follows:

Summary of General Expenditure

(Excluding Payroll & Premises Costs, Depreciation and International Subscriptions)

Category	Expenditure €'M 30.06.2021	% of Total	Expenditure €'M 30.06.2020	% of Total
Technical Advice	9.2	67%	10.2	70%
Legal Expenses	3.2	23%	2.2	15%
Other Administrative Expenses	1.3	10%	2.2	15%
Total	13.7	100%	14.6	100%

The detail of our Capital Expenditure is shown below.

Summary of Capital Expenditure

Capital Expenditure was made up as follows:	Year ending 30.6.2021 €M	Year ending 30.06.2020 €M
Technical Equipment	.072	.032
Computer Equipment	1.488	1.855
Fixtures, Fittings & Office Equipment	0	0
Motor Vehicles	0	.005
Total	1.56	1.892

6. Risk Analysis

6.1 Supply Chain Analysis

The National Public Procurement Policy Framework (NPPPF) has defined public procurement as the acquisition, whether under formal contract or otherwise, of works, supplies and services by public bodies. It ranges from the purchase of routine supplies or services to formal tendering and placing contracts for large infrastructural projects by a wide and diverse range of contracting authorities.

The results of the above Expenditure Profile in section 5 informs an in-depth analysis of spend categories to determine risk and to see if and where improvements to the procurement process can be achieved and efficiencies implemented. The approach to profiling purchases involves an initial exercise to further classify spend into procurement types described as under the following 4 categories:

Category 1 – Low relative expenditure, Low-moderate difficulty of securing supply:

The items in this category represent a relatively small proportion of the total expenditure on purchased items but represent a high proportion of the purchasing transactions carried out by the Commission. Individual transactions are of low value and the supplies or services are readily available. There is low risk associated with these purchases due to value and general availability.

There is often little capability to aggregate demand to improve buying power. The transaction costs associated with purchasing these items are often high, relative to the value of the items themselves. These costs need to be contained to ensure value for money. Examples include office supplies.. The Commission's sourcing strategy is to utilise the Framework Agreements that have been put in place by OGP and to place long term contracts. ComReg has also centralised and aggregated orders to reduce number of invoices and thus reduce administrative costs.

Category 2 – High relative expenditure, Low-moderate difficulty of securing supply:

Supplies and services in this category are generally commodity type items available from stable supply markets. They are items that are commonly used, often in high volumes.

The ComReg sourcing strategy focuses on full published tender competitions to seek value for money. Examples include customer management solution service and cleaning services.

Though these purchases are of a high value the risk is considered low as the supply of goods/services are readily available.

Category 3 – Low relative expenditure, High difficulty of securing supply:

These items collectively make up a very small proportion of the total expenditure on purchased items. Supplies and services in this category are usually highly specialised and there are often very few potential suppliers.

The ComReg's sourcing strategy for securing supply in this category focuses on reducing the organisation's vulnerability in the market. Strategies for doing this include actively identifying alternative sources of supply, changing the demand requirements or developing stronger relationships with key suppliers. We have run published tender competition and put two Framework Agreements in place for the supply of General Engineering Equipment and Radio Monitoring Equipment to assist in the achievement of these strategy goals.

ComReg identification of alternative sources of these purchases is aimed and mitigates the potential risk in relation maintaining a stable supply.

Category 4 – High relative expenditure, High difficulty of securing supply:

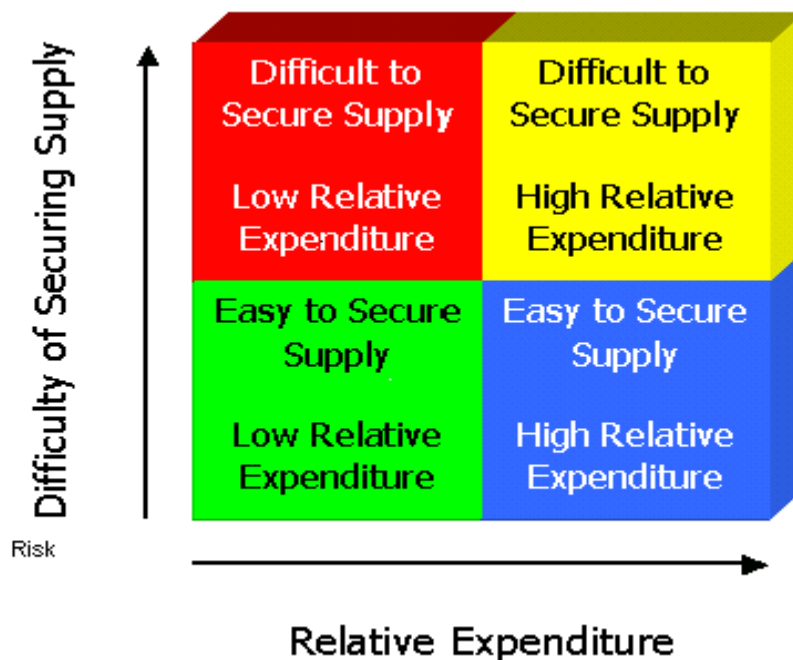
A high proportion of services procured by ComReg would fall into this category

Supplies and services in this category are often strategic services and associated supplies and services that are critical to the organisation's core business, for example information technology related systems development and professional consultancy providers.

The ComReg's sourcing strategy recognises that long-term relationships with suppliers are common and therefore effective contract management practices are important for obtaining full value from the supplier..

ComReg has put several Framework Agreements (FWA's) in place. Cost and time efficiencies are derived by establishing these FWA's and by having a panel of suppliers in place to meet the specific procurement requirements of the organisation. The mini competitions that are run from these FWA's provides an efficient use of time and help inform the panel members understanding of ComReg's requirements leading to improved working relationships.

Mini competitions from a FWA also ensure competition which delivers value for money. They also reduce the risk of non-compliance with procurement rules.



6.2 Brexit

As at end of 2020, the UK is no longer a member of the EU. The UK is an Observer of the GPA¹ and may become a full member. Being an observer or a member will allow the UK to tender for tender competitions published on OJEU, where indicated as permitted in the Contract Notice.

6.3 Review of GDPR Contract Clause concerning Contracts held with UK Suppliers

In Q3 of 2021 the ComReg Legal Team commenced a review of contracts held with UK suppliers. This review will be completed in Q2 2022.

¹ The Agreement on Government Procurement is a plurilateral agreement under the auspices of the World Trade Organization which regulates the procurement of goods and services by the public authorities of the parties to the agreement, based on the principles of openness, transparency and non-discrimination.

7. Procurement Practices

7.1 Public Polices

Public procurement refers to the process by which public bodies purchase works, goods or services from suppliers which they have selected for this purpose. It ranges from the purchase of routine goods or services to large scale contracts for infrastructural projects and involves a wide and diverse range of contracting authorities. Contracting authorities are obliged to treat public funds with care, and to ensure that the best possible value for money is obtained whenever public money is being spent or invested.

As a public entity, the ComReg has a duty to ensure that it complies with the Code of Practice for the Governance of State Bodies 2016 (The Code) which includes procedures for procurement.

The Code states that Management 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.

ComReg takes seriously its responsibilities towards public procurement and its policies are designed to align with wider public sector procurement policy.

7.2 Green Procurement

ComReg supports Green Public Procurement (GPP), which is a process where public authorities seek to source goods, services or works with a reduced environmental impact (Circular 20/2019: Promoting the use of Environmental and Social Considerations in Public Procurement). The Irish Government's annual public sector purchasing accounts for 10% to 12% of Ireland's GDP, a large part of economic activity and demand. This provides Ireland's public sector, including ComReg, with significant influence to stimulate the provision of more resource-efficient, less polluting goods, services and works within the marketplace.

7.3 Procurement Structure

Procurement is decentralised within ComReg, with every Division responsible for ensuring compliance with the organisation's Financial Procedures and both National and EU procurement rules. However, the Finance Unit actively supports each Division in this endeavour and acts as a central point of contact for placing all advertisements onto the eTenders (National) and the Official Journal of the European Union (OJEU) websites. By acting as this point of contact Finance can ensure compliance with the procurement rules. To fulfil its role, the Finance Unit is resourced with three individuals with national qualifications in public procurement.

As part of the annual Budget / Action Plan planning process, each Division identify the needs for external services and put in place plans to purchase such services. The strategic priorities of the organisation will drive the action plan items and ultimately the services that are to be procured.

A procurement job must be raised on the system before an order for goods or services can be placed. By linking the procurement job to the purchase order approval process, the Finance Unit can ensure compliance with procurement procedures.

During the year the Finance Unit will hold a Quarterly Procurement meeting with all Divisions represented. The purpose of this meeting is to ensure future procurement has been adequately planned and identify any further support needed for the Divisions. Hence the types of goods / services procured could differ from year to year depending on the strategic priorities for that year.

7.4 External Assistance

ComReg has also engaged with a firm of Public Procurement advisors to provide expert advice on exceptional matters and to provide procurement training programmes for all ComReg staff. The programmes are designed to give a general overview of public procurement best practice but are also tailored to meet ComReg's specific requirements.

The training programmes are divided into two, a full day session for those staff who regularly run tender competitions above the EU threshold and shorter session for all other staff. Refresher programmes are run annually.

ComReg also provides legal training to all staff facilitated by the Commissioners' Office via external legal advisors.

7.5 Templates, Guidelines & Updates

In addition to the support provided by the Finance Unit and the training session programmes, the organisation also has a procurement section on its intranet which is available to all staff. The section provides both information and the relevant templates, including:

- Background Procurement Information
- A Step-by-Step Guide on the Procurement Process
- Templates Documents which are kept up to date with all legal requirements
- A Central Location for Uploading and Storing Procurement Documentation
- A listing of all ComReg & OGP Framework Agreements

The Finance Unit also chair a quarterly procurement planning meeting attended by representatives from each Division who give an overview of the planned procurement projects for their Division in the next quarter.

Finance also issue a quarterly newsletter email to all staff informing them of latest developments in Procurement,

7.6 Framework Agreements

In addition to the use of various OGP Framework Agreements, ComReg has also put in place several its own Framework Agreements to cater for its specific needs in the area of Economic Competition, Specialist Technical Advice and Legal Services. Each of these Framework Agreements were put in place in full compliance with all legal requirements and they are used regularly by the organisation.

7.7 Contingency Plans

From time to time, issues and incidents arise that may affect the normal operation of businesses including Procurement. Business continuity planning is important in the context of a variety of different situations where unforeseen and unplanned events may result in employee absence. To ensure operational continuity is met, legal obligations fulfilled, and best practice followed, ComReg has developed a Business Continuity Plan (BCP) that will help us to take the correct course of action in the event of a disaster, pandemic or any other incident that could severely disrupt normal operations.

7.8 Corporate Strategy Statement

In ComReg's Strategy Statement for 2021 to 2023 it lists one of its strategic intents as being 'an effective, agile and relevant Regulator'. This intent is distilled down into several Strategic Goals, one of which (Goal 5.8) is most relevant to procurement.

Goal 5.8: In line with best practice, ComReg has efficient and effective policies, processes and systems. ComReg needs to have effective and efficient procurement processes and systems to ensure it achieves value for money in all goods and services it buys.

Such processes must be designed to meet the needs of the various Divisions without imposing an unnecessary administrative burden on them. ComReg continually reviews its processes to ensure they are relevant to the needs of the various Divisions. In certain cases, it may be appropriate to use centralised contracts put in place by the Office of Government Procurement (OGP) to achieve its desired outcomes.

The Finance Unit also monitors the costs incurred across the various contracts to ensure relevant limits are not exceeded. It also has a role in assisting the Divisions in tender evaluations. This role also assists in identifying training needs in the various Divisions.

8. OGP, EU & National Rules

The Office of Government Procurement (OGP) Framework requires that all non-commercial State bodies complete a Corporate Procurement Plan which is underpinned by an analysis of expenditure on procurement and purchasing structures within the organisation. The Framework states that the plan should set practical and strategic aims, objectives for improved procurement outcomes and appropriate measures to achieve these aims should be implemented.

This document's aims to meet the OGP's requirements in full and provide an understanding of the context in which ComReg operates and complies with the public procurement guidelines.

The procurement policies and procedures within ComReg are continually reviewed to take account of changes in best practice, the guidelines of The Office of Government Procurement, and national and EU regulations.

As well as the internal monitoring of changes, ComReg works with external Public Procurement advisors who to provide information, advice on exceptional matters and procurement training programmes for all ComReg staff.

Central Government Contracts (OGP)

Whenever possible, ComReg makes use of the OGP frameworks that are in place.

However, when needed ComReg has created its own Framework Agreements which have helped the organisation deliver cost and time efficiencies. These Framework Agreements meet the specific needs of the organisation and are not available under the standard OGP frameworks.

The primary reasons for using OGP framework agreements allows ComReg to reduce its administrative costs, increases time efficiencies to make purchases which achieve value for money and are fully compliant with national guidelines.

To date ComReg has availed of several OGP framework agreements in the following areas:

Category	Arrangement
Professional Services	<ul style="list-style-type: none"> • Internal Auditing Services • Payment Gateway Services
Facilities Management, Maintenance	<ul style="list-style-type: none"> • Supply and Servicing of Water Coolers
Information and Communication Technology and Office Equipment	<ul style="list-style-type: none"> • Desktop & Notebook Computers and Associated Services • Mobile Phone Services
Utilities	<ul style="list-style-type: none"> • Fuel Charge Card
Marketing, Print and Stationery	<ul style="list-style-type: none"> • The Irish Times Subscription (digital subscription only) • Stationery and Office Supplies • Media Monitoring Services • Multi-Purpose Office Paper for Printing and Photocopying • Print Panel • ICT Consumables • Media Planning and Buying (includes Placement of Advertising in the Print Media Framework)
Travel, Transport, HR & Managed Services	<ul style="list-style-type: none"> • Travel Management Services • Cycle to work scheme

EU & National Rules

As all ready noted the Irish public sector purchasing accounts for 10% to 12% of Ireland's GDP. The aim of this procurement to enable the delivery of consistent and reliable public services. A further consideration is achieving value for money with public funds. In the year to 30 June 2021 ComReg spent approximately €15.6 m on supplies and services calculated as follows:

Year End 30 June 2021	€m
Total Expenditure as per Financial Statements	38.6

Less Payroll, Premises, Depreciation & International Subscriptions	23
Total Expenditure on Supplies & Services	15.6

In addition, the average Capital Expenditure in the 4 years to the end of 30 June 2021 amounted to €1.7m.

ComReg is required under the Code of Practice for the Governance of State Bodies (2016) 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.

Staff are required to ensure compliance with procurement policies and procedures. ComReg has processes in place to ensure compliance with these procedures. Staff involved in the evaluation of tenders are required to sign a Non-Conflicts of Interests form stating that they have nothing to declare.

It is ComReg's intention that competitive tendering should be standard procedure in its procurement process unless the appropriate exceptions, as defined in ComReg's financial procedures, apply.

EU Directives and national regulations impose legal obligations on public bodies, such as ComReg, in certain areas such as advertising and the use of objective tendering procedures for awarding contracts above certain value thresholds. The EU Commission and European Court of Justice have ruled that EU Treaty principles must be observed even in the case of procurement which might not be subject to the full scope of EU Directives, such as certain 'non-priority' services or service concessions,

Staff at all levels in the organisation are required to be familiar with ComReg's procurement policies and procedures which are following all legal requirements.

9. Measurement of Results

It is important to review how procurement expenditure is actual spent and what type of procurement methods are used. ComReg uses a year-by-year analysis to monitor outcomes.

Over the course of the year to 30.06.21, ComReg used 414 individual suppliers, a decrease of 195 on the previous year .

In the year to 30.06.21 the top ten suppliers accounted for 54% of purchases. This increases to 67% when we look at the top twenty suppliers. The remaining 33% of suppliers account for 32% of the value of goods and services purchased. The comparable figures for the previous year are 57% for the top ten suppliers and 70% for the top twenty. The remaining 30% suppliers accounting for 29 % of total purchases.

Period	% of Purchases Value
30.06.2020	
Top Ten Suppliers	54%
Top Twenty Suppliers	67%
30.06.2021	
Top Ten Suppliers	57%
Top Twenty Suppliers	70%

	Year ending 30.06.2020	Year ending 30.06.2021
Tender Competitions Published Directly on eTenders/ OJEU plus Supplemental Agreements on these Contracts:	72	26
	8	10
Contracts awarded under ComReg Framework Agreements (excluding HR FWA) plus Supplemental Agreements on these Call Off Contracts:	63	53
	7	3
Contracts below €25K, at least x three quotes requested	10	3
Number of OGP Contracts Used	1	2
Total	161	97

ComReg Framework Agreements in place 2021, All have Four Year Term	FWA Expires
<p>Professional Services (excluding Legal) Framework Agreement 2019 - 2023. 3 Lots</p> <p>Lot 1 Economics and Statistics Professional Services</p> <p>Lot 2 Engineering and Technical Professional Services</p> <p>Lot3 Financial Consultancy Professional Services</p>	17/12/2023
<p>Research Services and Surveys Framework Agreement</p> <ul style="list-style-type: none"> • Single Supplier Framework Agreement (FWA) for provision of Pricing and Tariff Data Research • Single Supplier Framework Agreement (FWA) for provision of Consumer Technical Data Research • Multi-supplier Framework Agreement for the provision of Research and Survey Lot 2 Qualitative and Quantitative Research and Surveying Services. Drawdown by mini competition(s) 	23/09/2023
<p>Multi Supplier Framework Agreement for the Provision of Consumer Communications Services to Commission for Communications Regulation, 4 lots</p>	14/01/2023
<p>Supply of General Engineering Equipment Multi Supplier Framework Agreement (FWA)</p>	17/07/2024
<p>Multi Supplier Framework Agreement for the Provision of Professional Services in relation to Product Testing 2018 - 2022</p>	29/08/2022

Framework Agreement for provision of Temporary Agency Staff. 4 Lots	30/09/2024
Legal Solicitor Services Framework Agreement 2019 – 2023, 4 Lots	27/09/2023
Multi Supplier Panels: Junior Counsel 2017 – 2021. 4 Lots	12/11/2021

As part of the review of the procurement function and how it is working ComReg employs the use of feedback forms from those engaged in procurement to identify gaps in knowledge, the user-friendliness of Guidelines and Templates.

Also, both the external and internal auditors have reviewed the procurement function to ensure that the processes and practices are adhered to.

10. Approval Process

The Corporate Procurement Plan must be submitted to the Director of the Corporate Services Division for approval ahead of implementation and circulation. The Director of Corporate Services will then present the plan to the Commission and the Audit & Risk Committee before being formally adopted.

Following approval the plan is disseminated as follows:

- All procurement staff have been involved in the creation of the Plan
- The plan been circulated throughout the organisation by notification through the Procurement Newsletter
- The plan been published on ComReg's intranet

Appendix 1 Procurement Projects 2022/2023

The following list provides an overview of significant procurement projects that are currently planned for in 2022/2023:

- IT Managed Services
- Radio Frequency Monitoring Network (RFMN)
- Multi Supplier Framework Agreement (Consultancy Service) for Provision of Regulatory Governance Professional Services
- Mobile Voice and Data Services (OGP contract)
- Postal USO QoS Monitoring
- Managed Print Supply (OGP)
- Provision of Application and Database Development and Support Services
- Issue Tracker and IT services
- Framework Agreement for the provision of Professional Services in relation to Product Testing
- Multi Supplier Framework Agreement for the Provision of Legal Services
- HR information System
- Consumer Communications Framework Agreement
- Radio Interference Investigation Outsourcing services to ComReg
- Off-site Storage plus Scanning and Confidential Shredding

- Framework Agreement for Research and Survey Qualitative and Quantitative Research and Surveying Services
- Framework Agreement for Pricing and Tariff Data Research
- Supply of Video Conference Equipment
- Regulatory and Legal Research Insights
- Framework Agreement Professional Services (non legal) Four Lots

In addition the contracts below will reach the end of their initial terms during 2022/23 and may be re-tendered for (or extended if contract terms allow):

- ComReg Office Cleaning
- Training and General advice for Public Procurement
- Regulatory Assistance
- Architecture Services
- ComReg Website support design and development
- Share Point
- Disaster Recovery Solution
- Industry Engagement Forum Chairperson and Industry Engagement Forum Secretariat
- Provision of Bi-Annual Drive Testing Services on Mobile Networks in Ireland to ComReg
- HR Mentoring programme
- Payroll Service Agreement
- Social Listening

