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1. Purpose

Management of Procurement Processes & Economic Operators:


Prior to engaging Consultants and or External 3rd Party Companies (know as 3rd Parties) to manage any aspect of the Procurement Process on behalf of Translink e.g. drafting technical specifications the Project Manager should manage 3rd Parties in line with the following guidance. This is to help with consistency across Translink when it comes to Purchasing processes and compliance with the various requirements of the DRD and UK Regulations.

2. Prior to involving 3rd Parties in the Translink Procurement Process

- 2.1** The Project Sponsor/Project Manager must ensure that a completed Request for Contract Action (RCA) form has been completed (for items over £30k) and provided to the Purchasing Department to ensure that required approvals are in place to enable the next steps to be taken.
- 2.2** 3rd Parties must be informed that when acting on behalf of Translink they must at all times if it is appropriate comply with current Translink Purchasing Standards, Public Procurement Guidelines set out by the Procurement Board for Northern Ireland, procurement guidelines set out by DRD and when applicable The Utilities Contracts Regulations 2006 including any subsequent amendments. If the work is construction related 3rd Parties and Translink must also utilise and comply when it is appropriate with the DFP Construction Procurement Guide (which can be found at <http://www.cpdni.gov.uk/>). **It should be noted that Translink Procurement Standards take precedence over the DFP Construction Procurement Guide save for those areas which are of direct relevance to the Construction Industry only.**
- 2.3** Material received from Suppliers or potential Suppliers (know as Economic Operators) in relation to a procurement process can at times be classified as commercial in confidence and therefore Translink must take care to handle and dispose of this information correctly. Any original material or copies of it should be monitored closely by the Project Manager as it is their responsibility for its safe keeping and disposal. The Project Manager may need to instruct 3rd Parties in this area.
- 2.4** The Project Manager should always ensure that 3rd Parties acknowledge that they shall observe the requirements imposed upon Translink for each project area they are involved in. It is advised that Project Managers try to ensure that 3rd Parties have no conflicts of interest as this can cause the Project Manager issues later in the procurement process.

3. Control of external communications to Economic Operators


- 3.1** It is advised that the Project Manager clarifies through agreement with the Purchasing Manager or his authorised representative for each project who will control and supply external communications to and from Economic Operators. The Purchasing Department has standardised most documentation to help to create consistency in outbound communications to Economic Operators and this standard Translink documentation should be used unless otherwise agreed by the Purchasing Manager or his representative. This should help to quicken the processes, avoid potential confusion and duplication of effort.
- 3.2** For example the process should be agreed for drafting correspondence, authorising it for release and the physical issue of documentation at each step. This should also help to ensure that Economic Operators have clear lines of communications for projects that are going through a

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tendering process and this in turn should enable an audit trail of correspondence to be accurately maintained.

4. Information the Purchasing Department may require & the obligations of 3rd Parties:

- 4.1 The Purchasing Manager or representative may check that certain areas of procurement are complete and compliant with the required regulations, standards and guidance.
- 4.2 Advertisements to OJEU and or advertisements issued to other publications must be reviewed and issued by the Purchasing Department unless otherwise agreed by the Purchasing Manager or his representative.
- 4.3 The Purchasing Department are the only Department in Translink authorised to approve and release a Pre-Qualification Questionnaire (PQQ) unless this has be otherwise agreed by the Purchasing Manager or his representative.
- 4.4 Under no circumstances should an Invitation to Tender (ITT) be released from Translink without the appropriate approvals. The Purchasing Department should approve the release of an ITT on behalf of Translink unless otherwise agreed by the Purchasing Manager or his representative.
- 4.5 A brief Scope and a project specific PQQ which has the technical questions listed must be provided to the Purchasing Department prior to the release of an OJEU Advertisement to ensure that all the information is available at the same time that the advert is released. The Assessment Panel should also be identified at this point.
- 4.6 PQQ and ITT submission dates must be agreed with the Purchasing Department prior to the issue of a PQQ or ITT. The Tender evaluation criteria and weightings must be provided to the Purchasing Department prior to the release of an ITT.
- 4.7 All completed PQQs & Tenders must be submitted via the Tenders Controller and all submissions are to be dealt with by the Purchasing Department in accordance with TPP 108 via a Translink Tender Opening Panel prior to release of the submission to an authorised 3rd Party or to any internal Party.
- 4.8 All paperwork relating to evaluation of a PQQ and Tenders must be copied to the Purchasing Department and the required approvals obtained prior to the results being divulged to any Economic Operator. Economic Operators will be informed of the results of their application via the Purchasing Department unless otherwise agreed by the Purchasing Manager or his representative. In instances where the "Standstill Period" applies great care must be taken at the end of a competition in relation to communication on results. The Purchasing Department should release this communication unless it has otherwise been agreed by the Purchasing Manager or his representative.
- 4.9 All technical queries & responses to technical queries in relation to a PQQ or an ITT from Economic Operators should be recorded by the Project Manager and all Economic Operators must be afforded the same opportunities, the Project Manager is responsible for this activity. Records management in this area is of utmost importance to ensure that Translink can illustrate impartiality.
- 4.10 The Purchasing Department should be notified in instances of iterative tendering (including Best and Final Offers and Revise and/or Confirm Bids) and all documentation in relation to the iterative tendering must be copied to the Purchasing Department prior to issue unless otherwise agreed by

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the Purchasing Manager or his representative. This process may require (if pricing is being reviewed) the returning documents to be verified by the Tender Opening Panel to protect Translink.

- 4.11** No contract must be entered into verbally. No contract should be entered into in writing other than that those which have been approved by the appropriate levels and signed by the appropriate authorised representatives of Translink. The master contract should be provided in hard copy to the Purchasing Department. An electronic copy (please try to avoid PDF format) of the contract should be provided to the Purchasing Department to enable document management.
- 4.12** The Project Manager must take care when handling queries in relation to debriefs particularly if the “Standstill Period” at the end of a competition applies as strict timescales must be followed. It should be clarified with the Purchasing Manager or his representative how debrief requests will be managed during this period. Any informal notes taken during the debrief should be provided to the Purchasing Department to enable this to be retained on the file for reference should it be required.
- 5. Caution should always be taken:**
 - 5.1** The Purchasing Department will not be responsible or held accountable for documentation or decisions appertaining to any step of a procurement process of which they have not been informed.
 - 5.2** It is the responsibility Project Managers at Translink with the help of the Purchasing Department to ensure that Tendering Processes particularly when 3rd Parties which are not public sector entities are involved are conducted in a transparent, objective and non-discriminatory manner and are in line with the current Translink Purchasing Standards, the current applicable UK Regulations, the current public procurement guidelines and the current procurement guidelines set out by DRD.