

OPW HANDBOOK
FOR THE
CONSULTANTS DIRECT INVITATION LISTS (CDIL)

**FOR CONSULTANCY CONTRACTS WITH AN ESTIMATED VALUE OF LESS THAN
€50,000 (EXCLUSIVE OF VAT)**



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1.0 Introduction

The Office of Public Works (OPW) is an operational arm of Government which was established to carry out a wide variety of public works associated with the provision and operation of property occupied by Irish Government Departments, Cultural Institutions and other public bodies. Where the OPW does not have the professional resources available in-house to carry out these works, consultancy services are procured.

Contracts for consultancy services with an estimated value of €50,000¹ (exclusive of VAT), or more must be advertised on the eTenders website (www.etenders.gov.ie) and, where required, in the Supplement to the Official Journal of the European Union (ted.europa.eu). There is no requirement for contracting authorities to advertise contracts with an estimated value below €50,000 (exclusive of VAT), although national guidelines encourage contracting authorities to advertise contracts of lower value, where this would be useful.

This Handbook sets out OPW's procedures for the procurement of consultancy services with an estimated value of less than €50,000 (exclusive of VAT).

Initially, the OPW intends to create Consultants Direct Invitation Lists (CDIL) for the following disciplines, but may add more disciplines over time:

1. Architectural
2. Conservation Architectural
3. Civil & Structural Engineering
4. Conservation Engineering
5. Quantity Surveying
6. Project Supervisor for the Design Process (PSDP)
7. Fire Safety Consultancy
8. Archaeology

The procurement method used will be direct invitation. Direct invitation in this instance, means inviting tenders from three to five suitable practices selected by the Consultants Selection Committee (CSC) from the CDIL. This method offers advantages to the OPW which has a recurring requirement for services and wishes to maintain a well organised ongoing procurement system, while improving access to practices wishing to avail of public procurement opportunities.

Applicants may apply for inclusion on the relevant discipline list for any of the following regions, with multiple selection allowed, i.e. applicants may choose A, B, C, or all:

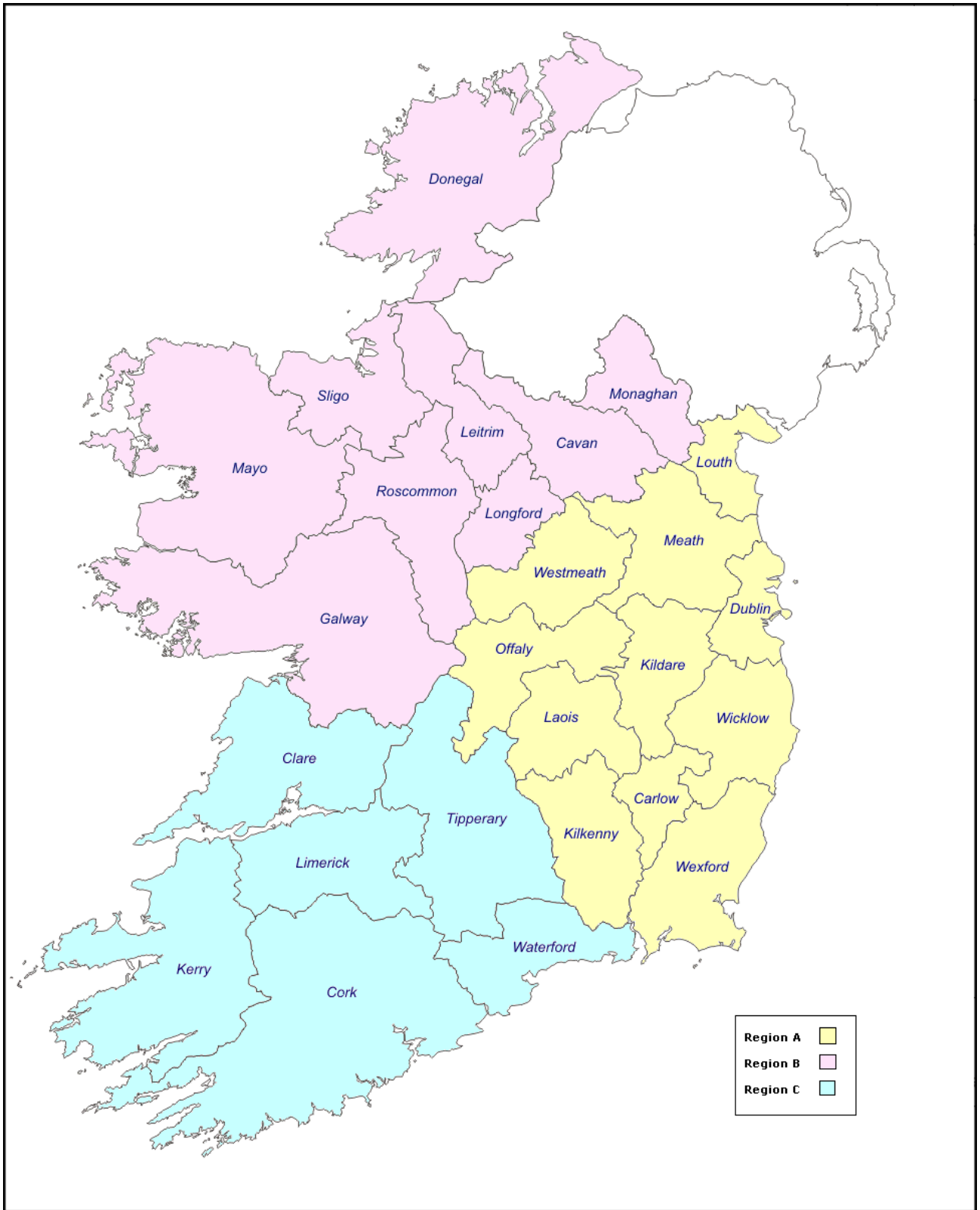
- Region (A) - Carlow, Dublin, Kildare, Kilkenny, Laois, Louth, Offaly, Meath, Westmeath, Wexford & Wicklow.
- Region (B) - Cavan, Donegal, Galway, Leitrim, Longford, Mayo, Monaghan, Roscommon & Sligo
- Region (C) - Clare, Cork, Kerry, Limerick, Tipperary & Waterford.

The contents of this Handbook have been compiled on the basis of information and materials available in 2014. This Handbook is not intended to be legally

1 [Department of Public Expenditure and Reform Circular 10/14](#)

binding or to convey legal advice and interested parties must satisfy themselves in those matters.

1.1 CDIL Region Map



2.0 General Information

2.1 Criteria For Inclusion On The Consultants Direct Invitation Lists (CDIL)

- 2.1.1 The practice shall demonstrate that it has appropriately qualified personnel, i.e. holders of a recognised university degree or equivalent or eligible for full or corporate membership of a recognised professional body. In the case of Architects, Quantity Surveyors and Engineers practitioners must be registered with the RIAI, SCSI and EI respectively.

The practice should demonstrate that they have traded for the previous 2 years. However, in accordance with provisions of Circular 10/14: Initiatives to assist SMEs in Public Procurement, the CSC may take into consideration the previous experience of individuals who have formed a start-up SME that has yet to establish a track record.

Note: The Capital Works Management Framework, Suitability Assessment Questionnaire (QC2) that will issue as part of every tender competition requires tenderers to list services of a similar nature provided over the past 3 years (3.4c), however, it should be noted that this is **not** a minimum time-frame.

- 2.1.2 The practice must confirm that none of the circumstances specified in Directive 2004/18/EC Article 45 (**Appendix I**) apply to the practice making this application. A Declaration on Oath (in the form of the Capital Works Management Framework, Suitability Assessment Questionnaire (QC2) Appendix A) attesting to this fact must be furnished if invited to tender.
- 2.1.3 The practice must be in possession of a current Tax Clearance Certificate to apply for inclusion in the CDIL. Furthermore, all contracts and payments will be subject to the practice being in possession of a current Tax Clearance Certificate.
- 2.1.4 The practice must carry all relevant insurances as listed in Sections 6.1 and 7.1 of the CDIL application form.

2.2 Use Of The CDIL

- 2.2.1 It is not possible to quantify the amount of work to be tendered under the CDIL nor does inclusion on the CDIL guarantee any level of work.
- 2.2.2 The OPW reserves the right to procure professional services worth less than €50,000 (exclusive of VAT) outside of the CDIL, if necessary to meet the specific needs of a project.

2.3 Form Of Contract

- 2.3.1 The Form of Contract for all disciplines, except Archaeology, will be the Capital Works Management Framework, COE1 - Standard Conditions of Engagement for Consultancy Services (Technical).
- 2.3.2 The Form of Contract for Archaeology will be the Capital Works Management Framework, COE2 – Standard Conditions of Engagement for Archaeology Services.

2.4 Paper & Electronic Records

- 2.4.1 Files are kept in respect of all practices on the CDIL. Information stored on file will include the original application form, any correspondence with the practice, consultant performance reviews, etc.
- 2.4.2 Consultants direct invitation lists are stored in an electronic database. Information stored on the database is limited to the profile of the practice, the assigned number on the CDIL, the tender competitions the practice was invited to take part in and details of the contracts awarded.

2.5 Garda Vetting

- 2.5.1 The OPW is a registered organisation with the Garda Central Vetting Unit (GCVU) which makes criminal history vetting disclosures to registered organisations. Garda Vetting services are sought for external personnel (employees of Contractors / Consultants) working on OPW's behalf, in or at Government properties or sites where security is of particular concern to the Customer, e.g. Leinster House, Áras an Uachtaráin, Farmleigh, Garda stations, courthouses, etc.
- 2.5.2 It is a matter for the Customer to determine if Garda Vetting services are required on a project and where this is the case, all external personnel must be vetted. Where this is a requirement on a particular project, it will be identified in the tender documentation issued to the selected practices.

2.6 Freedom Of Information (FOI)

- 2.6.1 OPW undertakes to use its best endeavours to hold confidential, any information provided by the consultant subject to the Office's obligations under law, including the Freedom of Information Act which came into force on the 21st April 1998, as amended.

If any of the information supplied by the consultant should not be disclosed because of its sensitivity, the consultant should, when providing the information, identify the information and specify the reasons for its sensitivity. The OPW is obliged to consult with the consultant about this sensitive information before making a decision on any Freedom of Information request received. If no information is identified as sensitive it is likely to be released in response to an FOI request.

2.7 Data Protection Act, 1988 As Amended

- 2.7.1 As stated in Section 2.4.2, the information provided by the consultant will be held on a computer database. The consultant will be entitled under the above mentioned act to obtain at any time a copy of information about the consultant which is held on computer.

3.0 OPW Resources Assigned To The CDIL

The Consultants Selection Committee (CSC) is responsible for the compilation and maintenance of the CDIL. The CSC is supported by Project Support Unit (PSU) of OPW Project Management Services.

3.1 The Consultants Selection Committee (CSC)

- 3.1.1 The Consultants Selection Committee (CSC) is constituted as provided for below.
- 3.1.2 The CSC is responsible for the compilation and maintenance of the CDIL and any other organised procurement system for consultancy services as required in the future by the OPW.
- 3.1.3 In compiling and maintaining the CDIL the CSC follows the procedures laid down in Section 4.
- 3.1.4 The CSC maintains liaison with other Government Departments and bodies, the Government Construction Contracts Committee and professional institutions and bodies, as appropriate.
- 3.1.5 The CSC ensures that records are maintained to underpin the work of the CSC.
- 3.1.6 The CSC is supported by PSU.
- 3.1.7 The permanent members of the CSC are:
 - (a) Principal Architect, Architectural Services
 - (b) Chief Engineer, Mechanical and Engineering Services
 - (c) Assistant Chief Engineer, Civil and Structural Engineering Services
 - (d) Head of Quantity Surveying Section
 - (e) Head of PSU
 - (f) Principal Officer, Project Management Services (when necessary)
- 3.1.8 In the event of non-availability the member in question may nominate a deputy.
- 3.1.9 A quorum of at least three members is required including the Chairperson. The CSC operates by decision made by simple majority. In the event of an equality of votes the Chairperson shall have a casting vote. Subject to any appointment to the office of Chairperson made by the OPW Chairman, the Chairperson shall be the Principal Architect. In the absence or unavailability of the Chairperson the Chief Engineer shall act as Chairperson. In the event of both members being absent the members of the CSC may elect one of their number present to be Chairperson for a meeting.
- 3.1.10 The CSC meets as required, to compile, maintain and employ the CDIL.

3.2 Project Support Unit (PSU)

- 3.2.1 Services provided by PSU include supporting the CSC as described below.
- 3.2.2 The Head of PSU is a permanent member of the CSC.
- 3.2.3 An Executive Officer in PSU is assigned to act as Secretary to the CSC (the Secretary).
- 3.2.4 The Secretary is the contact point for all matters relating to the CDIL and as such is responsible for the day-to-day administration of the CDIL and any other organised procurement system for consultancy services under the remit of the CSC.
- 3.2.5 The Secretary is also responsible for scheduling CSC meetings, preparing agendas and maintaining the records which underpin the work of the CSC.
- 3.2.6 In administering the CDIL the Secretary follows the procedures laid down in this Handbook.

4.0 CDIL

4.1 Advertisement And Application

- 4.1.1 Starting in 2014, and subsequently every two years, the OPW will seek applications for admission to the CDIL by publication of a notice on the eTenders website. The OPW reserves the right to extend this period.
- 4.1.2 The OPW intends to create a separate CDIL for each discipline listed at Section 1.0 in each of the three regions specified in Section 1.1 of this document.
- 4.1.3 The application form, which will be attached to the Contract Notice, details the options available to applicants and specifies the minimum detail to be supplied with any application.

4.2 Assessment Of Applications

- 4.2.1 Upon receipt, the applications are sorted into disciplines and forwarded to the Heads of Disciplines for assessment.
- 4.2.2 The applications are assessed for inclusion on, or exclusion from, the lists in accordance with the criteria specified at Section 2.1 of this Handbook.
- 4.2.3 Where it is proposed to exclude a practice from the list, the practice is informed in writing, reasons are given and the practice is afforded the right to appeal to the CDIL Appeals Officer.

4.3 Appeals & New Applications

- 4.3.1 The CDIL Appeals Officer is independent of the CDIL process, i.e. is neither a member of the CSC or PSU.
- 4.3.2 A written appeal addressed to the CDIL Appeals Officer citing the reasons why the practice should not be excluded from the CDIL, must be lodged with the **Secretary** within 2 weeks of receiving the written notice specified at Section 4.2.3.
- 4.3.3 The Secretary will forward the appeal to the CDIL Appeals Officer who may seek additional information from the practice and / or the CSC before making a decision.
- 4.3.4 The decision of the CDIL Appeals Officer will issue in writing to the practice and the CSC.
- 4.3.5 If an appeal is received within the 2 week deadline, no further action is taken to finalise the CDIL until the appeal has been decided.
- 4.3.6 If no appeal has been received within the deadline, successful applicants are allocated their position on the CDIL at a CSC meeting and each applicant is notified of their final placing. The position on the CDIL is as a result of a random selection mechanism that consists of placing the names of all eligible practices in an appropriate box and, after mixing them thoroughly, drawing out all names until the box is empty.

- 4.3.7 An exclusion from the CDIL or an unsuccessful appeal does not preclude the practice from submitting a new application at a later date if their circumstances change.
- 4.3.8 Notwithstanding the requirement to seek applications for inclusion on the CDIL every two years, the OPW may accept new applications received at any other time. Such applications are considered and if recommended for inclusion automatically go to the bottom of the current list(s). The application form will be available by emailing csc@opw.ie.

4.4 Selection Of Consultants For Inclusion On Tender Invitation Lists

- 4.4.1 When professional services are required, the OPW Project Co-ordinator liaises with the relevant OPW Head of Discipline regarding the availability of internal professional services.
- 4.4.2 Where the services are available in-house, no call will be made on the CDIL or any other procurement method.
- 4.4.3 Where the services are not available in-house, the relevant OPW Head of Discipline will determine how the service should be procured.
- 4.4.4 If the OPW Head of Discipline has determined that the CDIL is the most appropriate method of procurement, the application is forwarded to the secretary of the CSC.
- 4.4.5 The Secretary forwards a copy of the relevant CDIL for the specific geographical region to the Consultant Selection Committee members.
- 4.4.6 The Committee meets to consider the particular requirements of the consultancy contract and selects the next three to five suitable practices based on the qualifications, experience and expertise detailed in their application form.

Practices who have not been considered suitable for a particular consultancy contract and have been skipped, will be the first considered for the next consultancy contract.

Once all suitable practices on the relevant CDIL have been exhausted, the list will be rotated, i.e. the Committee will begin again at Practice No. 1.

- 4.4.7 The Secretary forwards the Tender Invitation List to the OPW Project Co-ordinator. The Project Co-ordinator issues the invitation to tender to the three to five practice names, which will include a Capital Works Management Framework, Suitability Assessment Questionnaire (QC2) tailored for the specific service required.

Note: Only the tenders of those practices that meet the Pass / Fail criteria specified in the QC2 will proceed to the Tender Assessment Stage.

- 4.4.8 The Secretary and the Project Co-ordinator maintain contact throughout the tender process and contract period for the following reasons.

- (a) To ensure that tenders issue. If tenders do not issue, the three to five practice names will be available for consideration for the next request.

NB: Once a practice has received an opportunity to tender it will be excluded from further consideration until the list has been exhausted, at which point, the Committee will begin again at Practice No. 1.

- (b) To record centrally details of any contract awarded.
- (c) To ensure receipt of consultant performance reviews, etc.
- (d) To ensure that practices continue to maintain their eligibility for the CDIL.

4.5 Performance Of Consultants

- 4.5.1 Consultant performance reviews (**Appendix II**) are completed in respect of each consultant awarded a contract (normally at tender stage, substantial completion and at end of the defects liability period) and are placed on file.
- 4.5.2 The CSC considers these reports and if unsatisfactory, informs the consultant and seeks an explanation. The CSC may recommend the removal of the practice from the list.
- 4.5.3 The recommendations of the CSC require the approval of the OPW Chairman before a practice may be removed from the list.
- 4.5.4 Consultants are notified in writing of the decision including the grounds for the decision.
- 4.5.5 A written appeal against such a decision may be lodged with the OPW CDIL Appeals Officer, who may, if considered necessary, invite an oral submission.

4.6 Notification Of Change In Circumstances

- 4.6.1 Any change in the profile of a practice, e.g. change of address, contact details, etc., must be notified to the Secretary at csc@opw.ie as soon as possible. Failure to do so, may result in the practice missing out on a procurement opportunity.
- 4.6.2 Any change in the details of senior management or key staff of a practice, must be notified to the Secretary at csc@opw.ie as soon as possible. Failure to do so, may result in the practice being removed from the consultants direct invitation list.
- 4.6.3 Practices that cease trading will be removed from the CDIL. The number assigned to the practice will be marked as unused.

APPENDIX I - EXTRACT FROM DIRECTIVE 2004/18/EC, ARTICLE 45

Personal situation of the candidate or tenderer

5.0 Any candidate or tenderer who has been the subject of a conviction by final judgment of which the contracting authority is aware for one or more of the reasons listed below shall be excluded from participation in a public contract:

- (a) participation in a criminal organisation, as defined in Article 2(1) of Council Joint Action 98/733/JHA (1);
- (b) corruption, as defined in Article 3 of the Council Act of 26 May 1997 (2) and Article 3(1) of Council Joint Action 98/742/JHA (3) respectively;
- (c) fraud within the meaning of Article 1 of the Convention relating to the protection of the financial interests of the European Communities (4);
- (d) money laundering, as defined in Article 1 of Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering (5).

6.0 Any economic operator may be excluded from participation in a contract where that economic operator:

- (a) is bankrupt or is being wound up, where his affairs are being administered by the court, where he has entered into an arrangement with creditors, where he has suspended business activities or is in any analogous situation arising from a similar procedure under national laws and regulations;
- (b) is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or of an arrangement with creditors or of any other similar proceedings under national laws and regulations;
- (c) has been convicted by a judgment which has the force of res judicata in accordance with the legal provisions of the country of any offence concerning his professional conduct;
- (d) has been guilty of grave professional misconduct proven by any means which the contracting authorities can demonstrate;
- (e) has not fulfilled obligations relating to the payment of social security contributions in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
- (f) has not fulfilled obligations relating to the payment of taxes in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
- (g) is guilty of serious misrepresentation in supplying the information required under this Section or has not supplied such information.

APPENDIX II - FORM I CONSULTANT PERFORMANCE REVIEW



PROJECT MANAGEMENT SERVICES

Form I - Consultant Performance Review

Section A - To be completed by Project Head / Project Co-ordinator

Project Title			
File Reference(s)			
Service(s) Provided			
Name of Firm			
Firm Staff Assigned			
Amount of Fees Paid (Including VAT)	€	Value of Relevant Construction Element (Including VAT)	€
Performance Review at	Post Statutory Submissions	(Performance Measurements 1-4)	<input type="checkbox"/>
	Post Tender	(Performance Measurements 1-6)	<input type="checkbox"/>
	Post Construction	(Performance Measurements 1-9)	<input type="checkbox"/>
Service Start Date		Service End Date	

Section B - To be completed by Design Team Leader / In House Discipline

Performance Measurements	Y/N	Comment
1 Design Proposals acceptable to Client as satisfying the Brief.		
2 Design Proposals provided efficient Cost Solutions.		
3 Statutory submissions were without delays arising from clarifications or amendments concerning design services provided.		
4 Completion of any Stage of Service Contract without delay, save for good reason.		
5 Contract Tender Period was without delays arising from clarifications or amendments concerning design services provided.		
6 Tendered Cost compares reasonably (i.e. within 10%) to agreed Cost Estimate.		
7 No Project Cost overrun arising in consequence of Design Service Tender Documentation failures.		
8 No Project Cost overrun arising in consequence of Design Service failures.		
9 Construction information delivered on time. No extension under Construction Contract in consequence of Design Service or Information failures.		

Section B (Continued)

Any Project Specific Service Requirement		Y/N	Comment
A	Personnel resources nominated in the tender process were actually assigned or valid explanation was provided.		
B			
C			
D			

Were any Service issues / concerns raised with the Consultant during the Project?
No **Yes** If Yes, provide details and / or attach record of correspondence / minutes as appropriate:

Any Specific Strengths and / or Weaknesses?

Other Remarks / Comments:

Recommendation:

Continued inclusion on CDIL? Yes: No: N/A:

Signatures:

Design Team Leader / In House Discipline	Date
Project Head / Project Co-ordinator	Date

Notes

1. This Form should be completed and returned to PMS Project Coordinator
2. Project Coordinator to :-
 - Log completion of this form in the PMP Project Database
 - Copy to Secretary of the Consultant Selection Committee (CSC)
 - Place on Project File and where appropriate link to PMP Database

NB: Where appropriate the CSC will communicate with the Consultant and provide them an opportunity to comment / explain any concerns on the services provided by them.

APPENDIX III - GLOSSARY

Capital Works Management Framework	The Capital Works Management Framework (CWMF) is a structure that has been developed to deliver the Government's objectives in relation to public sector construction procurement reform. It consists of a suite of best practice guidance, standard contracts and generic template documents that form the four pillars that support the Framework. See the official website http://constructionprocurement.gov.ie/ .
CDIL	Consultants Direct Invitation Lists
Chairperson	Chair of the Consultants Selection Committee
CSC	Consultants Selection Committee
EI	Engineers Ireland
OJEU	Official Journal of the European Union
OPW	Office of Public Works
OPW Chairman	Chief Executive of the OPW
CDIL Appeals Officer	Commissioner (With responsibility for Project Management Services)
OPW Head of Discipline(s)	Principal Architect; Chief Engineer, Mechanical and Engineering Services; Assistant Chief Engineer, Civil and Structural Engineering Services and Head of Quantity Surveying Section
OPW Project Co-ordinator	The OPW Project Coordinator is the person responsible for the execution of the project.
PSU	Project Support Unit
RIAI	Royal Institute of the Architects of Ireland
SCSI	Society of Chartered Surveyors Ireland
Secretary	Secretary to the Consultants Selection Committee