



**Comhairle Contae  
Dhún na nGall**  
Donegal County Council

## REQUEST FOR QUOTATION

### Subject of Quotation

Provision of Services for an audit review of the process followed by Donegal County Council in connection with the purchase of five houses at the An Crannla housing estate in Buncrana, Co. Donegal.

### Key Dates

#### Issue Date

20/04/2022

#### Closing Date for Queries

12.30pm on Friday 29th April 2022

#### Closing Date for Quotations

12.30pm on Wednesday 4th May 2022

### Contact for Queries

VIA [www.etenders.gov.ie](http://www.etenders.gov.ie) ONLY

Format for submission of quotations – use the Quotation Response Document provided

VIA [www.etenders.gov.ie](http://www.etenders.gov.ie) ONLY

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## **1. ABOUT THE CONTRACTING AUTHORITY**

### **1.1 The Contracting Authority**

Donegal County Council, herein after referred to as the Contracting Authority, is the authority responsible for this procurement.

Further information is available at our corporate website [www.donegalcoco.ie](http://www.donegalcoco.ie).

### **1.2 Small and Medium Enterprise Participation**

It is the policy of the Contracting Authority to encourage participation by Small and Medium Enterprises (SMEs) in this competition.

SMEs are encouraged to explore the possibilities of forming relationships with other SMEs or with larger enterprises to meet the financial, economic or technical capacity requirements of the competition, if required.

## **2. SCOPE OF REQUIREMENT**

### **2.1 Specification of Requirements**

Donegal County Council is inviting quotations from suitably qualified suppliers to carry out an audit review of the process followed by Donegal County Council in connection with the purchase of five houses at the An Crannla estate in Buncrana, Co. Donegal.

It is anticipated that approximately twelve audit days will be sufficient to complete the review.

A written report (in hardcopy and pdf) detailing the findings of the review is to be provided to Donegal County Council by 4.00pm on Friday 24<sup>th</sup> June 2022. The report should detail the auditors' findings relating to how the Council managed the process of purchasing the five houses in the context of statutory requirements, department guidelines, and appropriate due-diligence considerations.

Further information is included in the attached document entitled 'Appendix 1 – Specification of Requirements'.

### **2.2 Delivery Locations**

It is envisaged that a substantial proportion of the work can be carried out on a remote desktop basis. However, there will be a requirement to inspect files and other records, and for on-site engagement with relevant Council staff to allow for both clarification and expansion of detail as regards the administrative and technical processes and requirements involved in the

purchase of property for social housing purposes. In this context, it is envisaged that there will be a requirement for the service to have a partial provision at Donegal County Council HQ, Lifford, Co. Donegal (F93 Y622) and Donegal County Council's Public Service Centre in Carndonagh, Co. Donegal (F93 YV1N). For the purposes of this RFQ, it is estimated that approximately three on-site days will be required, with Donegal County Council facilitating access to records and staff as may be required.

## **2.3 Options**

It is anticipated that approximately twelve audit days will be sufficient to complete the review. However, if additional audit days are required, these shall be agreed in advance.

Donegal County Council may use the daily rates provided in the Quotation Response Document for the provision of additional services linked to the initial contract. For the avoidance of any doubt, an 'audit day' is defined as a period of eight hours usually starting at 9.00am and finishing at 5.00pm.

## **2.4 Pricing**

A single fixed project price is required. The quoted price shall be the amount which is necessary to carry out all of the work required to satisfy the requirements set out in this RFQ; this sum shall include all costs. Please complete in full the Cost Criterion in the Quotation Response Document.

## **2.5 Review of Performance**

A quality service is required under this contract. Therefore, performance will be continually monitored over the term of the contract. Cost competitiveness, performance and quality of service and turnaround time will be the main criteria for measuring performance.

### **2.5.1 Account Management**

Firms submitting a quotation are required to nominate a dedicated account manager who will act as the main point of contact for the duration of the contract. This person shall have the authority to deal with all matters in relation to the contract and be responsible for the satisfactory delivery of the services required.

### **2.5.2 Invoicing**

Invoices shall be submitted by the successful firm on a monthly basis for all costs incurred in the preceding month, or as otherwise agreed by the parties. All official invoices must quote a The Contracting Authority purchase order number. All invoices which do not quote the relevant order number(s) will be returned to the supplier.

## **2.6 Award to Runner Up**

If for any reason, it is not possible to award the contract to the successful firm emerging from this competitive process, or if having awarded the contract, the Contracting Authority considers that the successful firm has not met its obligations, the Contracting Authority reserves the right

to award the contract to the next highest scoring firm on the basis of the terms advertised, at any time during the quotation validity period of 6 months.

### 3. EVALUATION CRITERIA

#### 3.1 Suitability

The Contracting Authority will only consider quotations from competent and financially sound and compliant firms. To this end, you are required to confirm the following by completing the self-declaration contained in the separate Quotation Response Document (QRD).

- (a) General company information.
- (b) Confirmation of tax compliance.
- (c) Confirmation that the firm/party is appropriately insured.
- (d) Confirmation via declaration that the firm is not bankrupt, guilty of corruption, fraud, money laundering, membership of a criminal organisation, not involved in child labour and/or human trafficking and is fully compliant with all its statutory obligations.

#### 3.2 Award Criteria

The contract will be awarded on the basis of a quality and cost evaluation as assessed by the Contracting Authority. The Contracting Authority is not obliged to accept the lowest or indeed any quotation. The following criteria will be applied:

Criterion A		Weighting	Maximum Marks
<b>Cost Criterion</b>		50%	500
<b>Description</b>	Please complete the Quotation Form provided in the Quotation Response Document.		
Criterion B		Weighting	Maximum Marks
<b>Methodology Proposed</b>		30%	300
<b>Description</b>	Tenderers must demonstrate in a clear and comprehensive manner their proposed approach and methodology for ensuring that the services are delivered in a timely and effective manner. Tenderers must explain how their response meets or exceeds the requirements as set out in Section 2.1 of the RFQ (including Appendix 1) and demonstrate a clear understanding of the client's needs. Tenderers are reminded to address elements specifically indicated in the RFQ.		

Criterion C		Weighting	Maximum Marks
<b>Quality and Expertise of Team Proposed</b>		20%	200
<b>Description</b>	<p>The review shall be undertaken by an individual or individuals at a Professional Grade Level of 'Level 3 – Audit Manager' or higher. See Appendix 1 for further information in this regard.</p> <p>Tenderers shall provide a CV for each of the key personnel who they propose will be directly involved in delivering the required services. Tenderers should highlight the relevant experience and qualifications of the individual(s) conducting the services (each CV should be a maximum of two A4 pages).</p> <p>Tenderers should also specify how they intend to satisfy the requirement that a suitably qualified civil engineer be engaged to satisfy the specified requirements of this RFQ.</p>		

The following formula will be applied to the cost criterion:

The lowest cost tender that also meets all the minimum requirements of the qualitative award criteria will receive the maximum score achievable under this criterion. The scores of the other valid tenders will be calculated using the following formula:

Lowest Cost from a Bona Fide Tender	A
Cost for the tender being evaluated	B
Maximum Points available for Cost	500
Formula employed	$\frac{500 \times A}{B}$

Methodology for calculating scoring of qualitative criteria:

Score	Meaning	Interpretation
<b>90 – 100%</b>	Outstanding	A very comprehensive response demonstrating extensive understanding offering full assurance to client – fully supported with no reservations.
<b>80 – 89%</b>	Excellent	An excellent response demonstrating excellent understanding offering assurance to client – strongly supported.

<b>70 – 79%</b>	Very good	A very good response demonstrating very good understanding offering assurance to client – fully supported.
<b>60 – 69%</b>	Good	A good response demonstrating good understanding offering assurance to client – well supported.
<b>50 – 59%</b>	Acceptable	An acceptable response demonstrating a minimum understanding offering assurance to client - satisfactorily supported.
<b>25 – 49%</b>	Mediocre	Response demonstrates limited understanding with insufficient or no detail and a risk of non-delivery. This is unacceptable and a fail.
<b>1 – 24%</b>	Poor	Response demonstrates very limited understanding of the requirements and has fundamental flaws and lacks credibility with a significant risk of non-delivery. This is unacceptable and a fail.
<b>0%</b>	No response	Response completely fails to address the criterion under consideration. This is unacceptable and a fail.

#### 4. FORMAT OF RESPONSE

Service Providers are required to complete the separate Quotation Response Document which contains:

- (i) General Company Information
- (ii) Information regarding compliance with the Suitability Criteria – tax, insurances and declarations
- (iii) The Quotation Form and where relevant response to the Qualitative Award Criteria.

Please ensure you read the Instructions to Firms Quoting as detailed in Section 5.

#### 5. INSTRUCTIONS FOR FIRMS QUOTING

##### (a) Closing Date

The closing date for receipt of quotations is **12.30pm on Wednesday 4th May 2022**

Quotations that are received late will not be considered in this competition.

##### (b) Submission of Quotations

Quotations should be submitted via the electronic postbox available on [www.etenders.gov.ie](http://www.etenders.gov.ie) only.

##### (c) Queries

All queries regarding this quotation should be through the Questions and Answers facility on [www.etenders.gov.ie](http://www.etenders.gov.ie)

Queries should be raised as soon as possible and in any case not later than 12.30pm on Friday 29th April 2022.

For the purpose of circulating responses, queries will be edited to avoid disclosing the identity of the querist, and any sensitive information included in the query should be clearly indicated.

#### **(d) Currency and Payments**

The currency and invoices in which all prices and rates shall be quoted, and which payments under the contract will be paid, shall be Euros (€). All prices and rates quoted should be exclusive of VAT.

A schedule of payments will be agreed with the successful firm. The Contracting Authority operates in accordance with the European Communities (Late Payment in Commercial Transactions) Regulations 2012.

The standard method of payment used is Electronic Funds Transfer.

#### **(e) Confidentiality**

The distribution of the quotation documents is for the sole purpose of obtaining offers. The distribution does not grant permission or licence to use the documents for any other purpose. Firms are required to treat the details of all documents supplied in connection with the quotation process as private and confidential.

#### **(f) Conflict of Interest**

Any conflict of interest involving an economic operator (or economic operators in the event of a consortium bid) must be fully disclosed to the Contracting Authority. Any registrable interest involving the economic operator and The Contracting Authority or employees of the Contracting Authority or their relatives must be fully disclosed in the quotation submission or should be communicated to the Contracting Authority immediately upon such information becoming known to the economic operator, in the event of this information only coming to their notice after the submission of a bid and prior to the award of the contract. The terms 'registrable interest' and 'relative' shall be interpreted as per Section 2 of the Ethics in Public Office Act, 1995. Failure to disclose a conflict of interest may disqualify an economic operator or invalidate an award of contract, depending on when the conflict of interest comes to light.

#### **(g) Freedom of Information Acts**

Economic operators should be aware that, under the Freedom of Information Act 2014 and the European Communities (Access to Information on the Environment) Regulations 2007 to 2014, information provided by them during this Competition may be liable to be disclosed.

Economic operators are asked to consider if any of the information supplied by them in their Quotation should not be disclosed because of its confidentiality or commercial sensitivity. If economic operators consider that certain information is not to be disclosed because of its confidentiality or commercial sensitivity, economic operators must, when providing such information, clearly identify the specific sections of their quotation containing such information and specify the reasons for its confidentiality or commercial sensitivity. For the avoidance of doubt economic operators may not assert confidentiality or commercial sensitivity over the entire quotation but must clearly identify the specific section containing such information. If



economic operators do not identify information as confidential or commercially sensitive, it is liable to be released in response to a request under the above legislation without further notice to or consultation with the economic operator. The Contracting Authority will, where possible, consult with economic operators about confidential or commercially sensitive information so identified before making its decision on a request received. The Contracting Authority accepts no liability whatsoever in respect of any information provided which is subsequently released (irrespective of notification) or in respect of any consequential damage suffered as a result of such obligations.

#### **(h) Data Protection**

“Data Protection Laws” means all applicable national and EU data protection laws, regulations and guidelines including but not limited to Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (the “General Data Protection Regulation”), the Data Protection Act, 2018 and any guidelines and codes of practice issued by the Data Protection Commission or other supervisory authority for data protection in Ireland from time to time.

The Contracting Authority will be a Controller (where Controller has the meaning given under the Data Protection Laws) in respect of any Personal Data (where Personal Data has the meaning given under the Data Protection Laws) required to be provided by the Tenderer in response to this Request for Quotation.

The Tenderer, as Controller in respect of any Personal Data provided by it in its Tender, is required to confirm by way of statement in the “Declarations” section of the accompanying Quotation Response Document (QRD) that all Data Subjects (where Data Subject has the meaning given under the Data Protection Laws) whose Personal Data is provided by the Tenderer have consented to the processing of such Personal Data by the Tenderer, the Contracting Authority, the Evaluation Team and the supplier of the [etenders.gov.ie](http://etenders.gov.ie) website, for the purposes of the participation of the Tenderer in this Competition or that the Tenderer otherwise has a legal basis for providing such Personal Data to the Contracting Authority for the purposes of its participation in this Competition.

#### **(i) Tax Clearance Certificate**

It will be a condition of award of this contract and any subsequent contract that the successful firm(s) comply with all EU and national tax laws. Firms are referred to the Irish Revenue web site <http://www.revenue.ie/>. Non-resident firms should apply to the Office of the Revenue Commissioners, Non-Resident Tax Clearance Unit, Office of the Collector General, Sarsfield House, Francis Street, Limerick, Ireland; e-mail: [nonrestaxclearance@revenue.ie](mailto:nonrestaxclearance@revenue.ie).

#### **(j) Withholding Tax**

Relevant payments shall be subject to Irish ‘Professional Services Withholding Tax’ at the prevailing rate (currently at 20%) as laid down by the Revenue Commissioners in Ireland. Non-residents may be able to reclaim such deducted Tax from the Office of the Revenue Commissioners in Ireland, International Claims Section located currently at Government Buildings, Nenagh, Co. Tipperary, Ireland (Tel: +353-67-63400).

#### **(k) Interference and Inducement to Purchase**

Any effort by the firm to unduly influence The Contracting Authority, relevant agency personnel or any other relevant persons or bodies in the process of examination, clarification, evaluation and comparison of quotations and in decisions concerning the Award of Contract shall have their quotation rejected. In accordance with Section 38 of the Ethics in Public Office Act 1995 any money, gift or other consideration from a person holding or seeking to obtain a contract will be deemed to have been paid or given corruptly unless the contrary is proved.

#### **(l) Notification of Evaluations**

All parties will be informed of the outcome of their proposals following evaluation and any necessary clarifications.

#### **(m) Award to Runner-up**

If for any reason, it is not possible to award the contract to the designated successful party emerging from this competitive process, or if having awarded the contract, The Contracting Authority considers that the successful party has not met its obligations, The Contracting Authority reserves the right during the quotation validity period to award the contract to the next highest scoring party on the basis of the terms advertised without re-opening the competition. This shall be without prejudice to the right of The Contracting Authority to cancel this competitive process and/or initiate a new contract award procedure at its sole discretion.

#### **(n) Replacement Personnel**

Notification must be sent in writing (by post or electronic means) as soon as possible to The Contracting Authority on any proposed change of nominated personnel, such change to be subject to the written approval of The Contracting Authority. Replacement personnel must be of equal or better standing than the existing personnel in terms of qualifications and experience.

#### **(o) Copyright**

The Contracting Authority will have copyright ownership of any material developed for use by The Contracting Authority under the terms of this quotation. The service provider may have a non-exclusive licence to use such material but only for its own purposes (to be agreed with the successful firm).

#### **(p) Responsibility of Successful Party**

As a condition of award, it shall be the sole responsibility of the tenderer (in the event of success in this competition) to fulfil the obligations under the Contract, notwithstanding any changes in circulars, laws, regulations, taxation, duties or other factors which might arise following the withdrawal of the United Kingdom from membership of the EU.



## **Appendix 1 – Specification of Requirements**

### **1. Request for Quotation**

Donegal County Council wishes to secure the services of an independent audit firm to review the process followed by Donegal County Council (the Council) in connection with the purchase of five houses at the An Crannla estate in Buncrana (namely houses #1 to #5).

It is anticipated that approximately twelve audit days will be sufficient to complete the review.

It is anticipated that the review will require the engagement of a suitably qualified civil engineer who is competent to assess the process of acquiring houses in terms of any technical considerations normally made during the purchase process (see Section 7 below).

A written report (in hardcopy and pdf) detailing the findings of the review is to be provided to Donegal County Council by 4.00pm on Friday 24<sup>th</sup> June 2022. The report should detail the auditors' findings relating to how the Council managed the process of purchasing the five houses in the context of statutory requirements, department guidelines, and appropriate due-diligence considerations.

### **2. Background**

Donegal County Council signed contracts to complete the purchase of five houses in the An Crannla estate in Buncrana on 2<sup>nd</sup> March 2021.

The acquisition process started during late 2019 and there has been significant public commentary around the process undertaken by the Council. The occurrence of defective concrete blocks in the locality is prevalent and consideration of this matter affected the decision process. The process has been the subject of several Freedom of Information (FOI) requests, and two separate reports have already been presented publicly to the Elected Council.

Prior to the houses being purchased by the Council, the houses were leased by the Council for a period of ten years from 18<sup>th</sup> January 2010 for the purpose of providing social housing under the terms of the Long-Term Leasing Scheme.

Five families were in occupation of the houses during the lease period, and they have continued to occupy the houses since the completion of the purchase. The lease was extended for a period from 18<sup>th</sup> January 2020 to allow time for the completion of the purchase.

A geologist's report was obtained by the Council in respect of a representative sample of concrete blocks taken from two of the five houses in November 2019. The results of the report were considered prior to finalising the decision to purchase the houses.

### **3. Background – Process Overview**

Local authorities are authorised to purchase houses for social housing purposes in accordance with guidance issued by the Department of Housing, Local Government and Heritage. In the case of the five houses purchased at the An Crannla estate in Buncrana, the relevant circular is Circular Housing 15/2019.

House purchases are funded by the Department of Housing, Local Government and Heritage. Local authorities are entitled to recoup the full purchase cost of the properties together with a consideration of up to 2% towards legal/administration costs, and costs associated with upgrade works if required.

Local authorities avail of the services of solicitors to facilitate conveyancing and other matters as part of the purchase process.

### **4. Scope**

The process review shall focus on the period commencing 30<sup>th</sup> April 2019 to 20<sup>th</sup> April 2022. The 30<sup>th</sup> April 2019 is the date on which the Council's records first indicate that the purchase of the houses is being considered. The 20<sup>th</sup> April 2022 is the date on which this Request for Quotations was initiated.

In this case, there are two files that record the process followed by the Council in connection with the purchase of the five houses. The primary file relates to the acquisition of the properties. There is also a relevant file relating to the lease of the properties. The approximate number of documents being the subject of the review is as follows:

- 750 pages of written correspondences in the form of emails, letters, electronic messages, and handwritten notes
- Three written technical/engineering reports (relevant to Section 7 below)
- One department circular
- Readily available and relevant public commentary will be supplied

Approximately ten employees of Donegal County Council have a working knowledge of the individual processes followed by the Council during the different stages of the overall process that led to the purchase of the five houses. Their descriptions of the processes followed by the Council during the period under review should assist in enhancing the auditors' understanding and assessment of the house purchase process. Meetings with relevant staff will be facilitated as part of this review.

Also, it is expected that the review will require discussions with the Council's solicitors; the Department of Housing, Local Government & Heritage; and the valuer who provided valuation services as part of the process to purchase the properties. These discussions will be facilitated as part of the review.

## 5. Timelines/Project-Plan

It is anticipated that approximately twelve audit days will be sufficient to complete the review. However, if additional audit days are required, these shall be agreed in advance. For the avoidance of any doubt, an 'audit day' is defined as a period of eight hours usually starting at 9.00am and finishing at 5.00pm.

In advance of the project completion date, the successful supplier will provide Donegal County Council with a written report (in hardcopy and pdf) detailing the findings of the process review. A written report (in hardcopy and pdf) detailing the findings of the review is to be provided to Donegal County Council by 4.00pm on Friday 24<sup>th</sup> June 2022.

## 6. Professional Grade Levels and description for this RFQ

The successful service provider shall assign this review to an individual or individuals at a Professional Grade Level of 'Level 3 – Audit Manager' or higher. See below for Professional Grade Levels and descriptions.

Professional Grade Levels and Descriptions		
Grade Level	Consulting Profile	Indicative characteristics
Level 5	Managing Director/Partner/ Subject Matter Expert	A qualified internal auditor or accountant (Chartered Institute of Internal Auditors UK and Ireland accredited or recognised equivalent) with relevant significant, proven, industry recognised post-qualification internal audit experience, sound knowledge of public sector environment and management practices. Regarded as an expert nationally or internationally. Likely to have more than 15 years' experience as an auditor.
Level 4	Director/Senior Audit Manager	A qualified internal auditor or accountant (Chartered Institute of Internal Auditors UK and Ireland accredited or recognised equivalent) with proven relevant post-qualification internal audit experience and sound knowledge of public sector environment and management practices. Likely to have more than 10 years' experience as an auditor.
Level 3	Audit Manager	A qualified internal auditor or qualified accountant (Chartered Institute of Internal Auditors UK and Ireland accredited or recognised equivalent) with relevant internal audit experience and sound knowledge of public sector environment. Likely to have more than 7 years' experience as an auditor.

<b>Level 2</b>	<b>Auditor</b>	A qualified internal auditor or part qualified accountant (Chartered Institute of Internal Auditors UK and Ireland accredited or recognised equivalent) with relevant internal audit experience and knowledge of public sector environment. Likely to have more than 3 years' experience as an auditor.
<b>Level 1</b>	<b>Junior Auditor</b>	An auditor undergoing professional training for an internal audit or accountancy qualification, with relevant exposure to internal audit. Likely to have 1 years' experience in an audit role.

## **7. Engineering/Technical Services**

It is anticipated that the review will require the engagement of a suitably qualified civil engineer who is competent to assess the process of acquiring houses in terms of any technical considerations normally made during the purchase process. In this regard, the successful service provider shall secure the services of a civil engineer with suitable experience and with a relevant qualification at a minimum of level 8 on the Irish National Framework of Qualifications (or equivalent). The engineer will be required to comment on whether reasonable and appropriate technical assessments were undertaken prior to the purchase of the five houses being completed.

The cost of engaging engineering/technical services should be included as part of the overall cost of the service.

**//Ends**

**20<sup>th</sup> April 2022**