

Banc Ceannais na hÉireann Central Bank of Ireland

Eurosystem

Corporate Procurement Policy

November 2024

Policy Owner and Review Process

The owner of the Procurement Policy is the Central Bank Commission. Responsibility for compliance with the Policy is organisation wide.

The Policy will be reviewed annually at a minimum to determine if changes are required. Proposed material changes to the Policy will be submitted to the Commission for advance approval. If a change relates to policy clarification only and/or a change in operational practice, the Commission has delegated such a change to the Head of the Third Party Services Division (TPSD). Any such non-material changes will be reported to the Performance and Resourcing Committee as they are made, and to the Commission as part of the annual review.

The Third Party Services Division is responsible for developing processes, procedures and guidelines to support implementation of the Policy. The Head of the Third Party Services Division shall ensure that any such processes, procedures and guidelines are approved at the appropriate level prior to implementation and will report on same to the Performance and Resourcing Committee as they are made and to the Commission as part of the annual review.

Version Control

Title of Document	Corporate Procur	Corporate Procurement Policy	
Version No.	17		
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Division Responsible for Document Maintenance	Third Party Services Division		
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	Name	Role	Date
	Name	NOIC	Date
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Reviewed by	Michael Power	Head of Third Party	November 2024
		Services Division	
Approved by	Michael Power	Head of Third Party	November 2024
		Services Division	

Approval Framework/Authorisations

Description/Amount	Relevant Approver
Material Changes	Commission
Material Changes The Audit Committee, in respect of its role to review the Central Bank's internal control systems, must satisfy itself that any material changes to the Corporate Procurement Policy are reviewed and endorsed by them before subsequent submission to the Central Bank Commission.	Audit Committee
Non-Material Changes Changes relating to policy clarification only and/or a change in operational practice	The Commission has delegated that such changes can be approved by the Head of the Third Party Services Division. Any such non-material changes will be reported to the Performance and Resourcing Committee as they are made, and to the Commission as part of the annual review.
Approval Limits for Requisition of Goods, Services, approving expenditure, and signing of Contracts for Supplies, Services and Works (including Contract Change Orders)	Outlined below and set out in Appendix 1

. 	Governor The Governor may assign the approver role as he/she deems appropriate Level 5 Chief Operations Officer The allocation of the approver role at this level must be approved at Level 6.
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E	
	Level 4
г	Directors
r	The allocation of the approver role at this level must be approved at Level 5 or above.
<€100,001	
	Level 3
с	Level 4 and 5 approvers determine the allocation of the Approver role at this level.
<€50,001	Level 2
с	Level 4 and 5 approvers determine the allocation of the Approver role at this level.
<€25,000	Level 1
	Level 4 and 5 approvers determine the allocation of

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1.0 Policy Objectives

The objectives of the Central Bank of Ireland ("**Central Bank**") are as follows:

- The Central Bank is a *contracting authority* under EU law and seeks to comply with all European and national law;
- The Central Bank seeks value for money in the procuring of all works, supplies and services and is committed to the principles of Sustainable Public Procurement;
- The Central Bank seeks to operate in a fair, open, transparent and non-discriminatory manner in the market place, offering equal opportunity to all suppliers, fully honouring the European Treaty principles; and
- The Central Bank conducts all transactions in a timely, accurate and controlled manner.

2.0 Policy Scope

This Policy covers the procurement of all works, supplies and services (referred to in this document under the general term **"Services"**) by the Central Bank.

This Policy also covers expenditure approval and contract signing.

Provisions regarding expenditure and contract signing approvals apply to all payments to third parties, whether the payment is subject to public procurement rules or not.

This Policy applies to all Central Bank employees, contractors and agents.

3.0 The Role of the Central Bank Commission

In accordance with the procurement aspects as set out in the "Code of Practice for the Governance of State Bodies", it is the responsibility of the Commission to:

- Satisfy itself that the requirements for public procurement are adhered to and that competitive tendering is the standard procedure in the procurement process.
- > Set appropriate procurement thresholds for tenders less than EU thresholds.
- Ensure that there is an appropriate focus on good practice in the purchasing of Services and that there are procedures in place to support compliance with procurement policy.

The Governor should, in the annual report to the Minister for Finance, indicate adherence to the relevant procurement policy and procedures.

The Audit Committee, in respect of its role to review the Central Bank's internal control systems, must satisfy itself that any material changes to the Corporate Procurement Policy are reviewed and endorsed by them before subsequent submission to the Central Bank Commission.

4.0 Requirement for Competitive Tendering

Competitive tendering in the procurement process is a basic principle of this Policy and should be used when procuring Services save in the circumstances set out in Section 5.0 (Exceptions to the requirement for Competitive Tendering). Through effective tendering the Central Bank seeks to attain value for money, while ensuring that all risks and controls are managed.

The Central Bank operates a centralised procurement model operated by a designated Procurement Function ("**Procurement**"), which is part of the Third Party Services Division. The Procurement Sourcing Team ("**Sourcing**") is the only group authorised to run public procurement competitions on behalf of the Central Bank for contracts with an Estimated Contract Value ("**ECV**") of €10,000 or more and for contracts with an ECV below €10,000 where the BU considers that there is cross-border interest in the contract (see note to Table A below). Business owners can request support from Sourcing by logging a Procurement Engagement Form ("PEF") <u>here</u>. The procurement of legal services is governed by a separate policy.

Central Bank employees, contractors and agents must not enter into any commitment to a supplier without first obtaining a Purchase Order (PO) number from Procurement Operations. Evidence of compliance with this Policy is required to obtain a PO number. Business owners may contact Procurement Operations at procurementoperations@centralbank.ie with any queries about what evidence will be required to obtain a PO.

ECV should be determined by reference to guidance on valuation available from Sourcing. The business owner is responsible in each case for estimating contract value. Sourcing will assist with this process as required.

Procurement will confirm firstly whether the Central Bank has an existing contract or framework agreement in place or there is a relevant central procurement arrangement. Existing agreements/central procurement arrangements should be used where available unless the business owner can provide a value for money justification for running a new competition. Value for money justifications should take into account the full costs of running a public procurement competition.

Where there is no existing contract/framework agreement, Procurement will advise on the appropriate procurement process by reference to Table A below.¹Table A sets out the procurement process to be followed in each case based on ECV.

TABLE A – PROCUREMENT PROCESS (BASED ON ECV)²

Reminder: no commitment to a supplier can be made without a PO number from Procurement Operations, which requires evidence that the requirements of this Policy for the contract in question have been complied with (see previous page)

ECV (ex VAT)	Procurement Process	Responsibility
Up to €5,000 (Low Value Contract)	One or more written quotations.	Requester can obtain the quotations unless there is cross-border interest, in which case Sourcing to obtain quotations.
€5,000 to €10,000	Supplies/Non-WorksServices:Three or more writtenquotations.Works/Works-RelatedServices: Five or more writtenquotations.	Requester can obtain the quotations unless there is cross-border interest, in which case Sourcing to obtain quotations. Quotations must be in response to written specifications.

¹Note, Table A does not apply to the procurement of Enrolment Services, which are subject to the Enrolment Services Procedure (available from Sourcing). Enrolment Services are defined in the procedure, but are broadly "off the shelf" services available to the public with no tailoring to the Bank's needs, such as standard training courses (not delivered in the Bank) and conferences.

²Note that EU law may require an advertised process (even for relatively low value contracts) where the Central Bank considers that suppliers outside Ireland may be interested in competing for the work in response to an advertisement ("**cross-border interest**"). If there is cross-border interest, the process identified in the middle column of Table A may change.

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€10,000 to €50,000	Supplies/Non-WorksServices:Three or more writtenquotations/proposals.Works/Works-RelatedServices: Five or more writtenquotations/proposals.	Sourcing to obtain the quotations/proposals. Quotations must be in response to written specifications.
€50,000 to EU Thresholds ³	(Supplies/All Services): National Competition Works: • €50,000 - €200,000: Five or more written quotations/proposals • >€200,000: National Competition	Sourcing to manage the competition.
Above EU Threshold	EU Competition	Sourcing to manage the competition.

Subdividing a transaction to circumvent the thresholds in Table A is a policy violation and is a breach of procurement rules for transactions above the EU threshold value.

³These thresholds change periodically, but are typically just over €5m for works contracts and just over €200,000 for services/supplies. Sourcing should be contacted to provide the current applicable figures in each case. In some limited cases, the threshold for service contracts is €750,000. Sourcing can advise on when this applies.

5.0 Exceptions to the requirement for Competitive Tendering

Competitive tendering in the procurement process is a basic principle of this Policy and, unless a specific exemption/exclusion applies, is also a legal requirement for contracts above the EU threshold, or where there is cross-border interest. Accordingly, competitive tendering should be used when procuring Services except in exceptional circumstances as set forth in this Section 5.0.⁴

The Central Bank may procure Services without a competitive tendering process in the following, limited, exceptional circumstances:

1. Low Value Contracts and Enrolment Services:

Contracts with an ECV of up to €5,000 with no cross-border interest, and contracts for Enrolment Services (see footnote 1). Contracts in this category may be awarded on foot of one written quote.

- 2. Exclusions: If the contract benefits from a specific exclusion under applicable procurement rules (for example, above threshold contracts declared to be secret or which must be accompanied by special security measures (Regulation 15), or contracts concluded with other public bodies (Regulation 12)).
- **3.** Exemptions: Contracts that may be awarded using the negotiated procedure without prior publication in line with the provisions of the EU public procurement legal regime, such as contracts for the creation or acquisition of a unique work of art or that can only be fulfilled on the basis of exclusive rights, including intellectual property rights (Regulation 32).
- 4. Other Exceptional Circumstances: Contracts that do not fall under 1 to 3 above where there is no legal obligation to tender (e.g. as the contract value is below the EU threshold and there is no cross-border interest) and exceptional circumstances exist which objectively justify departing from the Bank's usual competitive tender approach.

Direct awards which fall under categories 1 - 4 above are permitted under this Policy. Prior approval for contracts falling under Categories 2 – 4 is required in line with the governance process set out in Table B below, and these contracts are subject to internal and external reporting.

Direct awards which do not fall under any of categories 1 – 4 will be regarded as **"Non-Compliant Contracts"** on the basis that they are awarded without a competitive tendering process in breach of this policy. These contracts are subject to external and internal reporting.

⁴The Policy permits entering into a contract without competitive tendering in the circumstances set out in Section 5.0. The Central Bank may nonetheless elect to run a competitive process where possible (e.g. there is more than one supplier of the Services and there is sufficient time) and appropriate.

TABLE B

Contract Value	Approval Level Requirement
€50,000 or less	Head of Division, TPSD, or Head of Function - Procurement
€50,000 – EU Threshold	Director of Finance and Business Performance or their delegate (at Director level or above).
Above EU Threshold	Chief Operations Officer or their delegate (at Deputy Governor level or above).
A Direct Award Report outlining the rationale for the direct award and the opinion of Procurement must be completed and submitted to senior management when seeking approval.	

Conditions and periodic reviews

To ensure compliance with procurement rules (where applicable), and value for money, permitted direct awards should be concluded for the minimum period of time practicable having regard to the business requirement, and the grounds for same should be reviewed on a periodic basis.

Therefore:

- a) Where the requirement is for a fixed term, the contract term should not exceed the minimum number of years practicable having regard to the business requirement.
- b) Where the requirement is for a specified purpose, it should conclude once the purpose has been fulfilled.
- c) In the case of rolling contracts, following discussion with the business unit, Procurement will specify the period after which the direct award grounds should be reviewed. At a maximum, this will be every four years.

If the requirement is on-going beyond the original contract expiry date then the grounds for the direct award (e.g. the exclusion or exemption relied on) should be retested prior to contract expiry. Where, upon review, valid grounds for the relevant direct award are found to remain, an addendum to the original direct award report should be completed prior to extending or renewing the contract term. If a new contract is being concluded, a new direct award report is required.

6.0 Conflict of Interest/Separation of Duties

The Central Bank seeks at all times to be objective and impartial in the procurement of Services.

Central Bank employees, contractors and agents must assess, as soon as they become involved in or initiate a procurement, whether an actual or potential / perceived conflict of interest exists or may exist (such that their impartiality in the process might be in question). If the answer is "yes", then the person concerned must inform Procurement and Procurement will carry out an assessment to determine:

- (a) whether there is a conflict of interest;
- (b) if so, whether it is actual, potential or perceived; and
- (c) in the case of potential or perceived, what, if any action, is required.

Any actual conflict of interest will in all cases result in the removal of the employee or contractor / agent from the entire process.

Any potential / perceived conflict of interest will, in all cases, result in the removal of the employee or contractor / agent from the entire process pending procurement assessment.

The obligation to assess whether a conflict of interest exists, and notify Procurement if so, is an ongoing obligation which must be considered by the employee/contractor/agent at all stages of the procurement process in which they are involved, as the process continues.

Through a system of internal controls in both processes and systems, the Central Bank ensures appropriate separation of duties in the tendering and the Purchase Order and payment processes.

7.0 Above Threshold Tenders

Where the Central Bank receives tenders that propose costs in excess of the threshold applicable to the procurement process in question, such submissions will be treated as valid tenders provided:

- a) the call for competition does not cap the value of the contract at or below the applicable threshold;
- b) the correct methodology was used to calculate ECV; and
- c) the correct procurement process was used having regard to the ECV.

Additional Conditions

In all cases where an above threshold tender is received in response to a call for competition, the robustness of the contract value estimation process must be examined prior to proceeding with the award process. If a significant proportion of tenders received exceed the

estimated contract value (and threshold) or, where only one tender is received and this exceeds the estimated contract value (and threshold) then this may be indicative of the fact that the contract value estimation process was flawed. If the estimation process is found to be flawed then the tender process will be cancelled and a new contract estimation process will be carried out prior to re-tendering.

8.0 Contracts and Risk Management

The prudent management of risk to the Central Bank (financial, legal, cyber or other) is of paramount importance. As part of the Central Bank's risk management process it uses a number of standard tendering and contract templates in the procurement process. These templates should be used for all procurements and varied only in particular circumstances following legal review and consideration. Where, and as required, bespoke contracts will be created by the Legal Division and co-ordinated by Procurement. Use of suppliers' contracts and/or terms & conditions should be avoided to the extent possible. Where unavoidable, the use of suppliers' contracts and/or terms & conditions require advance approval by Procurement (in consultation with the Legal Division where required). Where appropriate, for smaller value (typically up to €50K) and lower risk procurements the PO terms and conditions can be considered. Procurement (in consultation with the Legal Division where required) will determine the most suitable contracting form.

The Central Bank requires all suppliers to hold the appropriate and proportionate insurance levels for all engagements for the duration of that engagement. Such insurance requirements are included in the competition documentation, are a condition of tendering, and will at all times be proportionate and relevant to the specific engagement.

At the end of the procurement process, all signed contracts (including any appendices etc.) must be furnished to Sourcing.⁵ Details of all contracts will be indexed and stored by the TPSD in the Central Bank's Contracts Register. The TPSD is the designated owner and manager of the Contracts Register. Hardcopy signed contracts are to be held by the TPSD only. Under no circumstances should hardcopy contracts be stored in any other location. The business owner will be provided with access to a soft copy of the contract for day-to-day vendor management purposes.

9.0 Expenditure Approval Authority

Formal approval to commit funds by the business unit is required in advance of any commitment to a third party, whether further to a procurement process or otherwise. Formal approval is required for all expenditure whether or not it is budgeted. It is a policy violation to make a commitment to a third party (verbal or otherwise) without the expenditure being approved in advance. Commitments to a third party must only be made

⁵ Procurement may exempt certain categories of contract from this section 8.0 where appropriate e.g. contracts for enrolment based training services and conferences.

via appropriately authorised contracts and/or Purchase Orders. Engaging with a third party outside of this process or outside of the authorised costs is a significant breach of financial controls and potentially a disciplinary matter.

Only those roles listed in **Appendix 1** are authorised to sign contracts on behalf of the Central Bank. Such authority is only valid for contracts applicable to the signatory's Division/Directorate.

The amounts detailed in this schedule of signing authorities are pecuniary limits imposed specifically for the purposes of control of expenditure. There is an onus on officials involved in approving expenditure to ensure that transactions involving expenditure are consistent with policy and procedures on expenditure generally and with approved expenditure authorisation thresholds in particular.

Level	Position	Approval Limit
Level 3-4	Head of TPSD (or Head of FD/ Head of FD/ Head of Function FD)	Greater than €100,000
Level 2	Procurement Operations Manager	Up to €100,000
Level 1	Procurement Operations Analyst	Up to €10,000

The table below outlines the Purchase Order Release Authority:⁶

10.0 Purchase Order ("PO")

Unless specifically exempted, all expenditures must be transacted on a PO. By being transacted in this manner, it allows for an efficient and effective end-to-end process aiming to ensure that third parties are paid on time, provide accuracy in the Central Bank's financial records and certainty that all controls and approvals are adhered to. The Central Bank operates a 'No PO No Pay' policy whereby invoices received without valid PO numbers are deemed invalid and are returned to the third parties unpaid.

Purchase Orders can only be officially issued to third parties by the TPSD Operations Team following receipt of an internally created and duly authorised SAP Requisition (see Appendix 1).

⁶Note that this table relates to approval to release of purchase orders only, based on business unit approval to incur the expenditure remains with the business unit and must be obtained, and provided to Procurement, prior to release of the purchase order.

11.0 Responsibility of Third Parties

It is the Central Bank's preference to conduct business using electronic payments where possible. Payments are made using Electronic Fund Transfer ("EFT") into a third party's bank account or credit card.

The Central Bank is required to ensure that third parties receiving payment⁷ have a valid Tax Clearance Certificate where aggregated expenditure exceeds €10,000 (including VAT) in a 12-month period and to deduct, at source, the appropriate taxes.

The Central Bank is required to make all applicable deductions from payments to suppliers, such as Registered Contractors Tax ("RCT") and Professional Services Withholding Tax.

12.0 Provision of References to Current or Past Suppliers

As a general rule, suppliers engaged by the Central Bank are contractually prohibited from issuing any announcements with regard to their appointment by the Central Bank and are prohibited from using the Central Bank's logo or name on any promotional material (including client lists published on their website) without the Central Bank's prior permission.

In the event that a supplier requests a reference from the Central Bank with respect to a current or past engagement for the purposes of participating in a public procurement competition or securing a contract with a specified entity, the Central Bank may agree to provide a reference subject to the following conditions:

- 1. The supplier must have completed all, or a substantial portion, of the services that have been contracted for by the Central Bank. Where delivery is not complete then this should be stated in the reference.
- 2. The reference should give a factual qualitative assessment of the product/services provided ranging from satisfactory to excellent. The Central Bank will decline to provide a reference where the product/service was unsatisfactory.
- 3. Each reference should be stated as being for the purpose of the competition/contract that it has been requested for only i.e. it cannot be relied upon for future competitions/contracts.
- 4. Suppliers should be informed that the reference may be shared with the entity that is conducting the competition in question only and may not be published in any public forum e.g. the supplier's website.

⁷There are a number of exceptions to this – Procurement Operations can advise in the case of any particular third party.

5. The reference should also state that it does not confer any other rights such as the right to use the Bank's name or logo for commercial purposes without prior consent.

All requests for references should be submitted to Sourcing in the first instance. Where the request complies with this Policy, Sourcing will issue the relevant business owner with a template reference for completion. This template must be used for all references unless Procurement approves use of an alternative format. All references must be approved and signed by the Head of Division of the Division that was the primary recipient of the services. The Head of Division who is signing the reference should consult with users of the services in other Divisions where appropriate prior to completing the reference.

13.0 Modifications

In the case of contracts that are subject to the public procurement rules, where the contract in question is subject to EU public procurement law, (either above the EU threshold value in Table A, or of cross-border interest), any changes to the contract after it has been signed are controlled by law and must be made in compliance with the applicable procurement rules. Unless an alternative approach has been specifically pre-agreed with Procurement, business units seeking to make changes to such contracts must contact Sourcing for advice before making any commitment to a supplier in respect of a change. A change report will be required recording the procurement law basis for the change and this must be approved at an appropriate level within the Operations vertical⁸ as advised by Sourcing (having regard to the value and risk profile of the change). This is an **additional requirement** to any budgetary or project team approvals for the change. Changes which are made without this additional approval will be in breach of policy.

Where the contract in question is not subject to EU public procurement law, as a general rule changes should only be made if they are related to the original subject of the contract and do not substantially alter the contract from what was originally awarded. The business unit must consult the relevant Sourcing procedures document in this regard. If a change is required outside of these parameters then the business unit must consult Sourcing, who will advise on whether an exception is justified in the circumstances.

14.0 Reporting & Compliance with Policy

In addition to formal audits (internally and externally conducted), assessment of compliance with this Policy is carried out by the TPSD and reported to the Performance and Resourcing Committee and the Audit Committee annually at a minimum.

⁸ Approvers in the Operations vertical are the Head of Function, Procurement; the Head of Division, TPSD; the Director of Finance & Business Performance; or the Chief Operations Officer.

15.0 Related Documentation and Contacts

- Procurement Engagement Guideline
- Green & Social Procurement BU Guidance
- Cross-border interest BU Guidance
- Reg. 72 Guidance and template report
- ECV valuation guidance

Further information is available from Procurement.

Appendix 1: Approval Limits for Requisition of Goods, Services, approving expenditure, and signing of Contracts for Supplies, Services and Works (including Contract Change Orders)

TABLE A: Approval Limits for approving expenditure on SAP

Role	Approval Limits for Individual Requisitions within SAP workflow
<u>Level 6</u> Governor	Unrestricted
Governor	
The Governor may assign the approver role as he/she deems appropriate	
Level 5	<€1,000,001
Deputy Governor (Financial Regulation)	
Deputy Governor (Monetary and Financial Stability)	
Deputy Governor (Consumer and Investor Protection)	
The allocation of the approver role at this level must be approved at Level 6	
Level 5	<€1,000,001
Chief Operations Officer	
The allocation of the approver role at this level must be approved at Level 6	
Level 4	<€500,001
Directors	
The allocation of the approver role at this level must be approved at Level 5 or above	

Level 3	<€100,001
Level 4 and 5 approvers determine the allocation of the Approver role at this level.	
Level 2	<€50,001
Level 4 and 5 approvers determine the allocation of the Approver role at this level.	
Level 1	< €25,000
Level 4 and 5 approvers determine the allocation of the Approver role at this level.	

Notes:

- Each person granted a SAP Approver licence within an approval level has the authority to approve all requisitions for all categories of expenditure up to their upper limit as outlined in Table A above.
- 2 A SAP Approver licence does not confer the authority to sign a contract only the defined roles as set out in **Table B below** have the authority to sign contracts.
- 3. All amounts are exclusive of VAT.

4. Nomination of roles

Officers responsible for delegation of authority are required to ensure the staff nominated at lower levels (levels 1 - 3) have appropriate levels of responsibility and accountability in the organisation in relation to their role.

In addition, officers from Levels 4 to 5 may delegate their authority to approve at their respective levels within the SAP workflow to another staff member. This delegation must be approved at a level above their own.

The Governor at Level 6 may assign his approver role, as he deems appropriate. Only employees of the Central Bank may be authorised with an approval role.

TABLE B: Approval Limits for signing Contracts for Supplies, Services andWorks (including Contract Change Orders)

Role	Approval Limits for Signing of Contracts
Level 6	Unrestricted
Governor	
The Governor may assign the approver role as he/she deems appropriate	
Level 5	<€1,000,001
Deputy Governor (Financial Regulation)	
Deputy Governor (Monetary and Financial Stability)	
Deputy Governor (Consumer and Investor Protection)	
Chief Operations Officer	
Level 4	<€500,001
Directors	
	-6100.001
Level 3	<€100,001
Head of Division	
Level 2	<€50,001
Head of Function or BP1	
Level 1	< €25,000
Directors may authorise individuals at a grade below BP1 to sign contracts at Level 1 on an exceptional basis. Written evidence of authorisation is required in all such cases (whether that person is a SAP approver or not).	

Notes:

- Contract signing authority is separate to SAP Approval Licence authority therefore, a person does not require a SAP Licence to have authority to sign a contract.
- 2. A SAP Approver licence does not confer the authority to sign a contract only the defined roles as set out in **Table B above** have the authority to sign contracts.
- 3. All amounts are **exclusive** of VAT.
- 4. Signing authority is subject always to:
 - a. Commission budget for respective areas of responsibility; and
 - b. the contract/contract change having been concluded in accordance with this Policy (as evidenced by the appropriate approval where necessary, e.g. in the case of a direct award or a modification a separate approval is required prior to contract/change order signature as outlined in sections 5.0 and 13.0 respectively).

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