

**TECHNICAL ADVICE SHEET:****Procurement of archaeological services using fixed price contracts**

*Advice and guidance for procurers of archaeological services using fixed price contracts as in use at the time of writing in the Republic of Ireland.*

**Background**

Following a Department of Finance (Republic of Ireland) direction in 2006 (Circular 33-06) a fixed price contract system has become a common feature of procurement of archaeological services in the public and private sector.<sup>1</sup> The Institute of Archaeologists of Ireland (IAI) has issued a best practice standard for its members when providing archaeological services<sup>2</sup> under the terms of such contracts.

**Purpose<sup>3</sup>**

This Technical Advice Sheet (TAS) is intended to assist those who procure archaeological services, but who may have little or no experience of the nature of archaeological services. It is suggested that by following this advice, procurers may benefit from an efficient tendering procedure, delivering a high standard and cost-effective archaeological service. In framing archaeological tender contract documents procurers should be aware of and understand the requirements and obligations placed on archaeologists when applying for archaeological licences.

**IAI ADVICE**

**Archaeological Projects:** Archaeological services can be perceived to be difficult to quantify due to the unknown nature of subsurface archaeological deposits. Thinking about archaeology at a very early stage of project planning (even at site pre-purchase) can prevent unnecessary delays to a project and reduce the risk of encountering archaeology as the project proceeds.

**Archaeological Obligations:** A procurer of archaeological services has obligations to undertake archaeological work usually as a condition of planning. These obligations may require the financing of possibly several phases of archaeological work, which may include though not be limited to specialist analyses, conservation and archiving. Where excavation is undertaken, the developer is obliged to also fund the post-excavation work.

**Procurer Expertise:** If there is no professional archaeologist available within your organisation to assist in project scope and creating of relevant tender documentation you should engage an archaeological consultant<sup>4</sup> (sometimes termed a

'project archaeologist') who can assist in the assessment of archaeological risk, drafting of contract specifications, procurement of archaeological services and management of the archaeological works contract. The provision of such archaeological project management services will lead to clearly defined scopes of work and informed management of the archaeological contracts. It will enable the contracts to be managed in the best interest of the client while also paying due regard to archaeological legislation and best practice.

**Tendering of Archaeological Services in Phases:** Fixed Price Contracts relating to archaeology are commonly presented by procurers as phases 1-4.<sup>5</sup> While these phases can be tendered together, it is far more effective, in reducing risk and potential cost, to split the phases into separate contracts if overall programme time allows. This reduces exposure to risk to procurer *and* archaeological contractor. It allows for more defined scopes of services which can be priced with certainty. Procurers should always consider the clear separation of assessment services from excavation/post-excavation services. Such an approach provides clearly defined archaeological requirements and cost certainty to the procurer. An estimated fixed percentage rate for post-excavation work, established prior to a completed assessment is not recommended.

**Regulation:** The archaeological profession and the work it undertakes is regulated by national legislation, EU regulation, National Monuments Service (NMS) and National Museum of Ireland (NMI) guidelines and has a professional institute (IAI). Much archaeological work is carried out on foot of the Planning and Development Acts (2000-2011) and is subject to licensing under the National Monuments Acts 1930-2004.<sup>6</sup> (Be aware of the necessity for archaeological licences to be applied for and make time provisions for same in project schedules. See below.)

**Licensing Requirements:** The following archaeological services require licences: detection devices,<sup>7</sup> testing, excavation, monitoring (in particular circumstances), altering and exporting artefacts for specialist analyses, underwater and intertidal archaeology. Works on or near National Monuments (monuments in the ownership or guardianship of the State) may require special licence, known as Ministerial Consents. Approved road schemes may require Ministerial Directions.<sup>8</sup> Both also require artefact registration numbers from the NMI. Applications for licences are directed to the NMS and the NMI. Licences take several weeks to process.<sup>9</sup>

archaeologist will be able to detail and scope the particular archaeological services that you might require.

<sup>5</sup> The National Roads Authority terms these phases: stage (i) test excavation, (ii) pre-excavation services, (iii) excavation & preliminary reporting, (iv) post-excavation, archiving & dissemination. [www.nra.ie/Archaeology/](http://www.nra.ie/Archaeology/)

<sup>6</sup> Other heritage legislation may also be applicable.

<sup>7</sup> Equipment used in geophysical surveys and metal detection are considered as detection devices and require archaeological licences.

<sup>8</sup> Approved under section 51 of the Roads Act (1993).

<sup>9</sup> At the time of writing archaeological licence applications take up to 4 weeks to process. Ministerial consent applications may take longer to process.

<sup>1</sup> The range of archaeological services is broad; it includes impact assessments, testing, pre-excavation services, onsite and post-excavation, archiving, public dissemination.

<sup>2</sup> Institute of Archaeologists of Ireland (forthcoming) *Best Practice Standard: Archaeological Services for Fixed Price Contracts*. [www.iai.ie](http://www.iai.ie).

<sup>3</sup> This technical advice sheet is not intended to replace consultation with a professional archaeologist but rather to provide an overview of how to best manage an archaeological project under a fixed price tendering process and subsequent contract.

<sup>4</sup> The discipline of archaeology is a wide one. Archaeological reports can be technical and specialist in nature. A consultant

**Timeframes:** The procurer should allow ample time in the project management schedule to allow for the archaeological component of the project to be carried out effectively, including licence applications, where required. The best approach in this regard is to engage with the archaeological requirements of the project at the earliest possible stage in the schedule.

**Full Disclosure of Archaeological Data:** The best approach to receiving a cost and time effective archaeological tender is to provide the archaeological contractor with as much site and archaeological data as possible at tender stage. The archaeologist should be allowed to inspect the site prior to making a tender.

**Archaeological Specifications:** Attempt to detail and quantify specifications and item coverage for as many of the archaeological requirements as possible, especially so as to ensure realistic costing of the Pricing Schedule document. A standard of quality should be set (see below). A well-defined scope of works is vital to the success of a fixed price contract. It may be more cost-effective for a procurer to tender separately for other non-archaeological ancillary services such as civil enabling works, health and safety requirements or site re-instatement. Therefore, it is recommended that tenders be specific to archaeological concerns and do not include ancillary works such as wider civil engineering, road maintenance, or project-wide health and safety (PSDS/PSCS) for large scale multi-disciplinary projects where archaeology forms a smaller part of that project.

**Quality Controls:** Attempt to ensure a standard of quality in your archaeological service provider by attaching the IAI's best practice standard document (forthcoming) on archaeological services in fixed price contracts. There is a number of TAS (forthcoming) on various aspects of archaeological services which may also assist in your procurement.<sup>10</sup>

**Method Statement(s) (MS):** Method statements which detail proposed archaeological works are required for various licence applications. It is recommended that a requirement to include a detailed MS(s) in tender submissions is undertaken by the procurer. The MS should outline how the tenderer proposes to undertake the archaeological service. This will establish the basis for a reasonable pricing structure, a quality-based tender procedure and allow a 'best price' rather than 'lowest price' system of tender assessment. It will also initiate the process of licence/ministerial consent/ministerial direction application and finds registration, as the MS(s) is already required in that process.

**Appointment of Archaeologist & Archaeological Licence Application:** Once the archaeologist is formally appointed a licence application is usually made. The archaeologist must confirm on the application form that funds are available to complete the archaeological project to best practice standards. For an excavation, funding must be available to complete both on-site excavation (phase 3) and post-excavation final reporting (phase 4) and subsequent archiving

to best practice standards.<sup>11</sup> Therefore a commitment by the procurer to fund a phase 3 project, also commits to phase 4. Any contract specifications should cover both phases, including archiving.

**Archaeological Responsibility:** The responsibility for undertaking archaeological works rests with the developer who engages an archaeologist/archaeological firm to assist in compliance of archaeological legislation. Following receipt of the archaeological licence/ministerial consent/ministerial direction, with finds registration numbers, the responsibility for the archaeology of the project rests with the named licence holder/site director on behalf of the developer. Should this person change over the course of the project the licence must be transferred to another equally qualified archaeologist, in writing, and with the approval of the NMS and the NMI.<sup>12</sup>

The licence holder/site director who has excavated the site is required to undertake the post-excavation analysis and write the stratigraphic and final reports.<sup>13</sup> A completed final report and archive, which is presented to the regulatory bodies is required for the procurer to have completely fulfilled their archaeological obligations. An archaeological project is not deemed complete until the final report is submitted and the archive deposited with the NMS and the artefacts/ecofacts conserved and deposited with the NMI.

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#### Further Reading and Advice

The Heritage Council 2000 *Archaeology & Development: Guidelines For Good Practice For Developers*.

Institute of Archaeologists of Ireland [www.iai.ie](http://www.iai.ie)

National Monuments Service [www.archaeology.ie](http://www.archaeology.ie)

National Museum of Ireland [www.museum.ie](http://www.museum.ie)

Some local authorities have archaeologists/conservation officers/heritage officers on their staff who can provide advice.

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#### Looking for an Archaeologist?

IAI list of registered members at [www.iai.ie](http://www.iai.ie)

The Institute of Archaeologists of Ireland,  
63 Merrion Square, Dublin 2, Phone: 01-662 9517

Email: [info@iai.ie](mailto:info@iai.ie), Website: [www.iai.ie](http://www.iai.ie)

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#### Abbreviations Used:

**IAI** Institute of Archaeologist of Ireland

**EU** European Union

**MS** Method Statement

**NMI** National Museum of Ireland

**NMS** National Monuments Service

**PSCS** Project Supervisor at Construction Stage

**PSDS** Project Supervisor at Design Stage

**ROI** Republic of Ireland

**TAS** Technical Advice Sheet

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<sup>10</sup> A best practice standard for archaeological services in fixed price contracts (forthcoming) and guidelines for archaeological sampling are available from the IAI. See [www.iai.ie](http://www.iai.ie).

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<sup>11</sup> Guidelines and procedures on final reporting, artefact and archive deposition are available from the NMS and NMI. It is considered best practice that final reports should be brought to publication in some form.

<sup>12</sup> The ultimate authority on archaeological matters in the ROI is the Minister for the Arts, Heritage and the Gaeltacht, who has the power to amend, suspend or revoke any particular licence, ministerial consent or direction.

<sup>13</sup> A list of what is required for the stratigraphic and final reports is provided in the IAI best practice standard which includes publication in some form.