12th December 2018

Ms. Margaret Falsey,
Committee Secretariat,
Public Accounts Committee,
Leinster House,
Dublin 2.

Re: Ambulance Service (PAC32-I-1174)

Dear Margaret,

I refer to your recent correspondence to Mr. John Connaghan, Director General, Health Service Executive and the request for a response regarding the matters raised in accompanying correspondence from Deputy John Lahart in relation to procurement in the National Ambulance Service.

Please find below for the attention of the Public Accounts Committee members a briefing note on the matter from Mr. Liam Woods, National Director, Acute Operations.

If any further information is required please do not hesitate to contact me.

Yours sincerely,

Ray Mitchell
Assistant National Director
Parliamentary Affairs Division

Encl.
Briefing Note for the Public Accounts Committee

Re: Ambulance Service (PAC32-I-1174)

I have examined the issues raised and having liaised with colleagues in HSE Procurement I am advised as follows:

The HSE MOU with AACE clearly sets out that both parties are each a contracting authority as defined in Directive 2004/18/EC. Specifically, it is understood that HSE National Ambulance Service (NAS) utilises the services of the Association of Ambulance Chief Executives within the context of this legislation, the arrangement in place being between entities within the public sector. The FOI Response however incorrectly referred to the 2016 Regulations as follows:

"In line with EU Directives/S.I. No.284/2016 - European Union (Award of Public Authority Contracts) Regulations 2016 and the establishment of a legally binding Memorandum of Understanding the NAS under Article 12 (Public contracts between entities within the public sector) utilises the services of the Association of Ambulance Chief Executives (UK)"

This is a referencing error – the wrong Directive was quoted in the FOI response and I have requested that the FOI response be corrected & re-issued in that regard.

In relation to the use of Firmus the value of the procurement (€11,161.68) is less than €25,000 threshold set within the Public Procurement Guidelines for Goods and Services (Version 1: Issued July 2017). Notwithstanding, the nature of the services sought falls within the meaning of Regulation 32 of S.I. No. 284 of 2016 “European Union (Award of Public Authority Contracts) Regulations 2016” in that in the view of the HSE, the services could be supplied only by a particular economic operator in that competition was absent for technical reasons as the intellectual resource and capacity required to service the requirement was only available through a specific provider within the required timeframe, alongside the requirement for immediate technical advice to support management. The purpose of the work was to review proposals and advise the HSE and Dublin city council on an implementation framework for call and dispatch in Dublin. The HSE and Dublin City Council sought a provider who had experience of integrating different ambulance call and dispatch systems within and between ambulance providers and who was available to undertake this work in the timeframes required.

The HSE NAS are required to operate in line with National Financial Regulations (NFR) and as part of the HSE system of internal financial controls managers are required, on an annual basis, to provide a statement of assurance regarding the application of same. This is supported by routine Internal Audit and the compliance unit within HSE Procurement.

Mr. Liam Woods
National Director - Acute Operations
Health Service Executive
December 2018