



Oifig an Ard-Rúnaí
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Ms Sarah Cremin
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Committee of Public Accounts
Leinster House
Dublin 2

November 2021

Information on non-compliant procurement in 2020

Dear Ms Cremin

I refer to your letter of 15th November requesting an information note on non-compliant procurement in 2020.

The Department ensures that there is an appropriate focus on good practice in procurement and that procedures are in place to ensure compliance with relevant guidelines and legislation.

EU and national rules promote an open, competitive and non-discriminatory public procurement regime which delivers value for money. EU Directives declare that there can be legitimate reasons for awarding contracts non-competitively, such as extreme urgency brought about by unforeseeable events or if there is a single supplier to perform the contract. Therefore, a non-competitive procurement is not necessarily non-compliant with procurement rules.

Circular 40/02 issued by the Department of Finance requires the Department to report all contracts above €25,000 (exclusive of VAT) awarded without a competitive process to the Comptroller and Auditor General (C&AG) by 31 March of the following year.

In 2020, 81 contracts with a value of €11,774,607.18 were awarded without a competitive process and declared on the Circular 40/02 return as expenditure against those contracts exceeded the reporting threshold of €25,000.

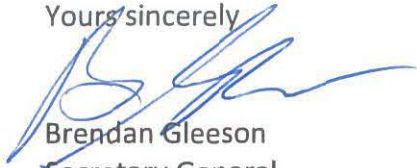
Of this, contracts valued at €8,327,906.39 were undertaken without a competitive process but are considered compliant, as the justification for awarding these contracts without a competitive process falls within the exceptions to open/competitive procurement permitted in national and EU legislation.

The remaining procurements with a value of €3,446,700.79 were also undertaken without a competitive process but were not considered compliant as the contracts were not subject to an independent review prior to the award of the contract.

Details of the 2020 40/02 return are set out below. The table lists the contracts including type, vendor name, amount, and the reason for including them on the 40/02 return.

I trust that this addresses your query and I can arrange to provide additional information if required.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'B Gleeson', written over the typed name.

Brendan Gleeson
Secretary General

Subject of Contract / Purchase	Vendor Name	Total ex-VAT	Reason
ICT Software/ Licences	Contractor: DIATEC GRAPHIC PRODUCTS LTD	35,389.75	Single Suitable Supplier: These contracts mainly relate to proprietary software, licensing, maintenance and/or support of essential IT services.
	Contractor: MICROSOFT IRELAND OPERATIONS	115,791.60	
	Contractor: SERVAPLEX LTD	1,125.00	
	ICT Software/ Licences Total	152,306.35	

Laboratory Supplies	Contractor: A P H A	56,857.80	Single Suitable Supplier: These contracts relate to the purchase of a diverse range of laboratory supplies such as reagents, chemicals and consumables across the laboratories within the Department. The Department's procurement and laboratory services are working together with the Education Procurement Service and Health Service Executive to put in place formal competitive processes.
	Contractor: ACCUSCIENCE	34,032.38	
	Contractor: ANALAB ANALYTICAL LAB SUPPLY	59,773.09	
	Contractor: BIO SCIENCES	196,644.09	
	Contractor: BIOMERIEUX UK LTD	52,097.48	
	Contractor: CELTIC DIAGNOSTICS LTD	86,728.00	
	Contractor: CRUINN DIAGNOSTICS LTD	113,905.85	
	Contractor: FISHER SCIENTIFIC IRL LTD	35,731.90	
	Contractor: IDEXX DIAGNOSTIC LIMITED	255,466.21	
	Contractor: ILLUMINA IRL COMMERCIAL LTD	1,873.26	
	Contractor: LENNOX LABORATORY SUPPLY LTD	49,185.47	
	Contractor: LGC LIMITED	29,812.27	
	Contractor: MASON TECHNOLOGY	76,176.77	
	Contractor: MEDICAL SUPPLY CO LTD	33,404.84	
	Contractor: METTLER TOLEDO LTD	23,122.09	
	Contractor: PJ BRENNAN & CO LTD	35,241.19	
	Contractor: QIAGEN LTD	51,859.31	
	Contractor: RANDOX LABORATORIES LTD	29,761.39	
	Contractor: ROCHE DIAGNOSTICS LTD	63,437.26	
	Contractor: SARSTEDT	81,542.59	
	Contractor: SEROSEP LTD	149,811.27	
Contractor: SIGMA ALDRICH IRELAND LTD	100,008.32		
Contractor: SPARKS LAB SUPPLIES LTD	105,063.76		
Contractor: VWR	33,433.47		

	Laboratory Supplies Total	1,754,970.06	
Lab Equipment – Purchases, Maintenance, Support	Contractor: AGILENT TECHNOLOGIES IRL LTD	24,463.95	Proprietary: These contracts relate to upgrade of laboratory equipment, and proprietary servicing and maintenance of existing laboratory equipment.
	Contractor: AQUILANT SCIENTIFIC	74,661.45	
	Contractor: DAVIDSON & HARDY LTD	71,662.64	
	Contractor: LEICA MICROSYSTEMS UK LTD	14,172.55	
	Contractor: PERKINELMER (IRL) LTD	25,091.89	
	Lab Equipment – Purchases, Maintenance, Support Total	210,052.48	
IT Hardware/Maintenance	Contractor: HEWLETT PACKARD ENT IRL LTD	90,877.38	Other: These contracts relate to IT hardware support.
	IT Hardware/Maintenance Total	90,877.38	
Handheld Scanners	Contractor: COM TAG TECHNOLOGIES LTD	24,194.03	Single Suitable Supplier: This contract relates to the procurement of handheld scanners, software, licensing which when aggregated with the associated consumables exceeds the declaration threshold.
	Handheld Scanners Total	24,194.03	
Laboratory Testing	Contractor: AGRI FOOD & BIOSCIENCES INST	19,435.19	Single Suitable Supplier: This contract relates to testing mainly carried out in the area of horticulture and plant health.
	Laboratory Testing Total	19,435.19	
Haulage	Contractor: PETER DONOHUE LTD (LIC HAU)	38,841.00	Security: The contractor below is the only supplier of Category 1 Haulage services for the transportation of TSE/TSE suspect bovines to factory. As such, this contractor is the only service provider that can provide the necessary guarantees against food chain cross-contamination.
	Haulage Total	38,841.00	

Disposal of Carcass Waste	Contractor: WARD WASTE PRODUCTS LTD	26,442.00	Security: The contractor below is the only supplier of Category 1 Haulage services for the transportation of TSE/TSE suspect bovines to factory. As such, this contractor is the only service provider that can provide the necessary guarantees against food chain cross-contamination.
	Disposal of Carcass Waste Total	26,442.00	
Relief Services	Contractor: FRS Group	38,604.26	Urgency: These contracts generally relate to short-term engagement relief services in the Departments farm and laboratory service undertaken on an urgency basis. A competitive contract was put in place in April 2020 for this service. This represents expenditure prior to this contract.
	Relief Services Total	38,604.26	
Franking and Mailroom Services	Contractor: QUADIENT IRELAND	13,257.63	Legacy contract: Although an OGP Framework for the provision of these services exists, it cannot provide the level of service required by this Department. These contracts will be replaced by competitive contracts as they expire.
	Franking and Mailroom Services Total	13,257.63	
Security Printing	Contractor: INNOVATIVE PRINT SOLUTIONS	55,722.00	Legacy contract: Design and printing of certificates for use across the Department. This procurement process will need to be examined.
	Security Printing Total	55,722.00	
Facilities Management	Contractor: DOYLE SHIPPING GROUP	5,466.67	Other: These facilities management contracts relate to facilities management in a regional office and a Border Control Post. In late 2020 the
	Contractor: FRESCO SECURITY LTD	28,034.03	
	Contractor: G4S SECURE SOLUTIONS IRL LTD	27,195.00	

	Contractor: MOLLOY SHERRY EIRFREEZE LTD	3,387.04	Department completed a procurement process in respect of facilities management in Border Control Posts. One relates to a contract for urgent security to secure a building site.
	Facilities Management Total	64,082.74	
Office Supplies	Contractor: CODEX OFFICE PRODUCTS	3,051.86	Contract Rollover: The Office of Government Procurement framework for office supplies ceased suddenly in 2019. As a result, the Department continues to engage the incumbent until a new framework was established, in late 2020.
	Office Supplies Total	3,051.86	
General Supplies	Contractor: THE HYGIENE WAREHOUSE	26,812.04	Local Purchases: The contract below represents instances where the aggregate value of local purchases of general & hardware supplies etc. exceed the declaration threshold.
	General Supplies Total	26,812.04	
Works: Consultancy	Contractor: KANE WILLIAMS ARCHITECTS LTD	31,564.70	Other: These contracts were subject to competitive processes but are declared as final expenditure significantly exceeds estimated value.
	Contractor: WALSH & GOODFELLOW LTD	43,014.75	
	Works: Consultancy Total	74,579.45	
Works: Marine Contractor	Contractor: BRIAN MURPHY CRANE HIRE LTD	37,700.00	Other: These contracts were subject to a competitive process but are declared as final expenditure significantly exceeds estimated value.
	Contractor: DINGLE SPARKIE LTD	26,410.00	
	Contractor: GB-RAIL LIMITED	36,828.00	
	Contractor: O M C C JOINERY LIMITED	64,355.00	
	Contractor: REMCO LTD	50,088.92	
	Works: Marine Contractor Total	215,381.92	
Consultancy Services	Contractor: ENVIRONMENTAL FACILITATION	53,154.75	Single Suitable Supplier: These contracts relate to specialist consulting services
	Contractor: MCCARTHY KEVILLE O'SULLIVAN	70,298.60	
	Consultancy Services Total	123,453.35	

Certification Services	Contractor: DIGICERT INC	33,733.00	Single Suitable Supplier
	Certification Services Total	33,733.00	
Wastewater Treatment	Contractor: EDDIE CARR & CO	27,275.16	Single Suitable Supplier: This service relates to wastewater treatment in a Fishery Harbour Centre.
	Wastewater Treatment Total	27,275.16	
Veterinary Services	Contractor: PATRICK FLANAGAN	2,040.30	Single Suitable Supplier/Urgency: The Department of Agriculture, Food and the Marine has set up two Dynamic Purchasing Systems (DPS) through which veterinary services are competitively procured. In 2020, a small number of urgency related contracts were required that could not be facilitated by the DPS's in place.
	Veterinary Services Total	2,040.30	
Telephony Services	Contractor: DIGIWEB LTD	232,061.00	Contract Rollover
	Contractor: EIRCOM LTD	2,313.99	
	Contractor: HUTCHINSON 3 IRELAND	86,530.10	
	Contractor: VODAFONE IRELAND LTD	70,144.92	
	Telephony Services Total	391,050.01	
Macerator Rental	Contractor: TECHNOPATH MANUFACTURING LTD	49,258.58	Single Suitable Supplier /Urgency
	Macerator Rental Total	49,258.58	
IT Contractors	Contractor: IT FORCE LTD	11,280.00	Contract Rollover: This service was extended for 5 months to facilitate the completion on a new competitive process.
	IT Contractors Total	11,280.00	