



18th February 2022

Ms. Sarah Cremin,  
Committee Secretariat  
Committee of Public Accounts  
Leinster House,  
Dublin 2

*Refs: S0673 PAC33 and SO 674 PAC 33*

### **Procurement Process Bus Éireann Provision of Tachograph Management Services**

Dear Ms Cremin,

I refer to your letters concerning the above tender and the questions raised by two disappointed tenderers. I have made a number of enquiries internally, with Bus Éireann and with the Office of Government Procurement as to the scope of the Department in relation to this matter.

The procurement process in question was undertaken by Bus Éireann. While the Department has responsibility for corporate governance and transport policy matters, it is not involved in the day-to-day operation of the company, including matters related to procurement. However, on foot of your letter, the Department has consulted with Bus Éireann in relation to the management of the above procurement, to clarify the circumstances that led to the cancellation of the tender.

Bus Éireann set out the circumstances of the tender and the reasons for its cancellation and the re-running of the competition. This tendering process was run via eTenders; all prospective tenderers had access to tender documentation and clarifications provided following publication of the tender. The contract being tendered for was on the basis of Best and Final Offer (BANFO), taking quality and price into consideration; this was highlighted in all tender documentation. As part of the BANFO process, negotiation meetings were held with all tenderers.

When the unsuccessful tenderer was notified of the results of the process, they requested a briefing from Bus Éireann. This prompted the procurement team to review the tender documentation, which highlighted a number of administrative discrepancies and errors in the tender documentation. The decision was then taken to cancel the process to mitigate the risk of legal challenge if the tender was awarded.



The decision to cancel the process was communicated to all tenderers and all were advised it would be advertised again on eTenders and in Tenders Electronic Daily. Corrective action has been taken by the Bus Éireann procurement team to ensure administrative errors do not reoccur, with the introduction of a 'Procurement Four Eyes Principal Policy' applying to all tender processes over the contract value of €300k including VAT. Bus Éireann is currently re-tendering for this contract and the unsuccessful tenderer has reapplied. The procurement process is expected to conclude in Q2 this year.

I trust the above account of the tender and the reasons for its cancellation, from Bus Éireann's perspective, addresses your queries. If you have any further queries, do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Ken Spratt', written over a horizontal blue line.

Ken Spratt  
Secretary General