



An tSeirbhís Chúirteanna  
Courts Service

Ms. Sarah Cremin  
Committee of Public Accounts  
Leinster House  
Dublin 2 D02 XR20

13<sup>th</sup> January 2023

Dear Ms. Cremin

**Your ref: S1140 PAC33**

In response to your correspondence of 30<sup>th</sup> December, please find attached an information note on non-compliant procurement referenced in the Appropriation Accounts 2021 Vote 22 Courts Service.

As part of the Audit of the 2021 Appropriation Account the Service was non-compliant with the competitive tender procedures in 15 instances with a value of €2.43m, as required these were reported by me in our report pursuant to Circular 40/02.

I am pleased to report that contracts are in place for 7 of these items which amount to €0.804m, a procurement review is ongoing in respect of 1 contract with a value of €0.026m, procurements are scheduled for 2023 in respect of 6 items with a value of €0.352m and the Court of Appeal Judgement is awaited in respect of 1 with a value of €1.25m. Details of the Circular 40/02 report and progress made in relation to same can be seen at Appendix A.

I wish to assure the Committee that in those instances of a non-competitive tendering process, there is no suggestion or evidence that there was any waste of public funds. Actions, with clear ownership, are in place with the relevant Heads of Directorates to address these issues. This matter is being kept under close scrutiny by the Senior Management Team to ensure all instances of non-compliance are dealt with.

Yours sincerely,

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Angela Denning  
Chief Executive Officer



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APPENDIX A

Circular 40/02, 2021 Report – Non-Compliance with competitive tendering process

Item No.	Vendor Name	2021 Amount (excl. VAT)	Status
1	VODAFONE (MOBILE VOICE AND DATA)	€219,889	A contract is now in place. There was a delay in putting a central government contract in place for mobile voice and data services. Contract in place since 1 October 2021.
2	VODAFONE (FIXED VOICE TELEPHONY)	€193,392	A contract is now in place. There was a delay in putting a central government contract in place for fixed voice telephony. Contract in place since 25 January 2022
3	EOLAS RECRUITMENT	€124,759	A contract is now in place. Engagement of ICT contract support that was extended beyond the contract expiry date. Replaced by a multi-supplier contract for the provision of Power Platform Support & Development Services. Contract signed 1 August 2021.
4	AN POST BILL PROCESSING (FINES)	€95,561	Extension of services relating to the Fines (Payment and Recovery) Act 2014, beyond the expiry of the original contract, awaiting recommendations of a working group on the Act as to whether such services will be required and re-tendered for. These services are being tendered for in 2023.
5	PRINTPOST (FINES)	€115,072	
6	STORM TECHNOLOGY LTD	€111,164	A contract is now in place. Engagement of ICT contract support that was extended beyond the contract expiry date. Replaced by a multi-supplier contract for the provision of Power Platform Support & Development Services. Contract signed 1 August 2021.
7	KESSLIN LTD	€63,685	A contract is now in place. Time critical courier services which could not be met within the existing contract. Contract in place since 18 August 2022.
8	EIR (TELEPHONISTS)	€57,563	Costs of telephony services, a review of these services was undertaken, and a procurement is scheduled for Q1 2023.
9	ATOS IT SOLUTIONS & SERVICES LTD	€30,227	A contract is now in place. Contract for the provision of Managed IT Infrastructure Support Services (including Network Management and Security Services) has been in place since 1 February 2021. This expenditure reflects the final payment under the contract roll-over.
10	QUADIENT	€29,189	A procurement review was carried out in 2022 and a procurement is scheduled for Q2 2023.
11	ABACUS	€28,019	Digital dictation services required for continued issue of Superior Court judgements. The Courts Service has piloted new software to provide an enhanced service to judges. A procurement will be undertaken in Q1 2023.



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Item No.	Vendor Name	2021 Amount (excl. VAT)	Status
12	KICK COMMUNICATIONS	€26,911	A mini tender was carried out for graphic design work. Due to unforeseen work required on the Corporate Strategic Plan the expenditure went over €25k ex Vat. The demand for graphic design work is being assessed, for the purposes of establishing our requirements and assessing procurement options.
13	FORENSIC PSYCHOLOGICAL SERVICES	€26,656	Demand for this service is driven by Judicial Orders. A procurement review was carried out in 2022 and a procurement is scheduled for Q2 2023.
<b>Total</b>		<b>€1,122,087</b>	

Circular 40/02 2021 - Derogations Granted

Item No.	Vendor Name	2021 Amount (excl. VAT)	Comment
1	TRANSLATION.IE	€1,248,198	Translations.ie signed a one-year contract for interpretation services in January 2020. There is no provision in this contract to extend the period of the contract on foot of advice from the OGP following legal challenges to other mini competitions under the framework. The matter was heard in the Court of Appeal in June 2022, but the Judgement is still awaited (COA 2022/72) have not yet been published. An independent procurement has not been commenced by the Courts Service as it is likely that any procurement that the Courts Service undertakes will be subject to a similar legal challenge and it is considered better to await the conclusion of current legal proceedings before retendering.
2	BRIGHTWATER RECRUITMENT	€64,173	A Contract is now in place. Project management services extended beyond the contract expiry date. A contract is in place since March 2021.
<b>Total</b>		<b>€1,312,371</b>	

<b>Overall Total</b>		<b>€2,434,458</b>		
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