



Oifig an Ard-Rúnaí
An Roinn Talmhaíochta, Bia agus Mara, Baile Átha Cliath, DO2 WK12.
Office of the Secretary General
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R1663 (ii) PAC33

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12th January 2023

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

Your Ref: S1144 PAC33

Information on non-compliant procurement in 2021

Dear Ms Cremin,

I refer to your letter of 30th December 2022 requesting an information note on non-compliant procurement in 2021.

In 2021 this Department incurred €133.6m on procurement of goods and services. At all times 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.

In relation to non-compliant procurement, in 2021 the Department complied with the guidelines except for 64 contracts totalling €3,787,740.43 (ex. VAT). Details of those contracts are set out below in tabular form as requested.

I trust that this addresses your request.

Yours sincerely

Brendan Gleeson
Secretary General

Vendor/Customer Name	Goods/Service	Total Non-Compliant Expenditure 2021	Reason	Rectification Plan
A P H A	Laboratory Supplies	62,239.36	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	A compliant procurement procedure will be put in place at the end of the current contract.
ACCUSCIENCE	Laboratory Supplies	52,307.18	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	EPS Framework established in late 2021, most, if not all of this expenditure will be drawn down from this framework in 2022.
AGILENT TECHNOLOGIES IRL LTD	Lab Equipment – Purchases, Maintenance, Support	66,963.21	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	EPS Framework established in late 2021, most, if not all of this expenditure will be drawn down from this framework in 2022.
AGRI FOOD & BIOSCIENCES INST	Laboratory Testing	32,778.18	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	Most of this procurement has been moved into compliance in 2022
ANALAB ANALYTICAL LAB SUPPLY	Laboratory Supplies	54,103.08	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	EPS Framework established in late 2021, most, if not all of this expenditure will be drawn down from this framework in 2022.
AQUILANT SCIENTIFIC	Lab Equipment – Purchases, Maintenance, Support	59,221.11	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	Most of this procurement has been moved into compliance in 2022
B W CONSULTANT ENGINEER LTD	Consultancy Services	88,026.65	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	Contract concluded in 2021, some outstanding invoices paid in 2022.
BIO SCIENCES	Laboratory Supplies	133,766.50	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	EPS Framework established in late 2021, most, if not of this expenditure will be drawn down from this framework in 2022.
CRUINN DIAGNOSTICS LTD	Laboratory Supplies	42,494.28	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	EPS Framework established in late 2021, most, if not of this expenditure will be drawn down from this framework in 2022.

DIGIWEB LTD	Telephony Services	56,559.00	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	Company changed name to Viatel (So 2 entries see Viatel below) Digiweb will no longer appear
EIRCOM LTD	Telephony Services	120,908.92	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	Most of this procurement has been moved into compliance in 2022
FISHER SCIENTIFIC IRL LTD	Laboratory Supplies	25,035.94	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	EPS Framework established in late 2021, most, if not of this expenditure will be drawn down from this framework in 2022.
HEWLETT PACKARD ENT IRL LTD	IT Hardware /Maintenance	158,712.72	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	Most of this procurement has been moved into compliance in 2022
HUTCHINSON 3 IRELAND	Telephony Services	31,709.45	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	Most of this procurement has been moved into compliance in 2022
IDEXX DIAGNOSTIC LIMITED	Laboratory Supplies	183,737.67	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	Most of this procurement has been moved into compliance in 2022
INNOVATIVE PRINT SOLUTIONS	Printing	37,366.00	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	Most of this procurement has been moved into compliance in 2022
IRISH DIAGNOSTIC LAB SERVICE	Laboratory Testing	50,126.18	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	Most of this procurement has been moved into compliance in 2022
LENNOX LABORATORY SUPPLY LTD	Laboratory Supplies	45,262.69	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	EPS Framework established in late 2021, most, if not of this expenditure will be drawn down from this framework in 2022.
MARINE SUPPLIES (INT) LTD	Works: Marine Contractor	144,368.19	Expenditure breached the threshold for the process used.	This expenditure breached the threshold (€140K) for etenders and was declared as non-compliant. The project has been completed.
MEDICAL SUPPLY CO LTD	Laboratory Supplies	45,204.99	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	EPS Framework established in late 2021, most, if not of this expenditure will be drawn down from this framework in 2022.

MICROSOFT IRELAND OPERATIONS	ICT Software/ Licences	81,268.00	Critical Support for Proprietary software	Most of this procurement has been moved into compliance in 2022
NATIONAL INST OF AGRI BOTANY	Laboratory Testing	29,580.15	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	Most of this procurement has been moved into compliance in 2022
PJ BRENNAN & CO LTD	Laboratory Supplies	35,578.48	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	Most of this procurement has been moved into compliance in 2022
SARSTEDT	Laboratory Supplies	48,694.36	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	EPS Framework established in late 2021, most, if not of this expenditure will be drawn down from this framework in 2022.
SEROSEP LTD	Laboratory Supplies	165,710.00	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	Some of this procurement has been moved into compliance in 2022
SIGMA ALDRICH IRELAND LTD	Laboratory Supplies	79,399.15	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	EPS Framework established in late 2021, most, if not of this expenditure will be drawn down from this framework in 2022.
SPARKS LAB SUPPLIES LTD	Laboratory Supplies	49,535.39	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	EPS Framework established in late 2021, most, if not of this expenditure will be drawn down from this framework in 2022.
SYNTEC SCIENTIFIC LTD	Laboratory Supplies	83,867.04	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	EPS Framework established in late 2021, most, if not of this expenditure will be drawn down from this framework in 2022.
VIATEL IRELAND LTD	Telephony Services	137,793.53	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	Migration of links to compliant contracts ongoing and will reduce Non-Compliant expenditure
VODAFONE IRELAND LTD	Telephony Services	77,462.01	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	Migration of links to compliant contracts ongoing and will reduce Non-Compliant expenditure
WAGENINGEN UNIVER & RESEARCH	Laboratory Testing	25,181.98	Arose due to delays in undertaking a competitive process, due to the highly technical nature of the items involved.	Most of this procurement has been moved into compliance in 2022

CELTIC DIAGNOSTICS LTD	Laboratory Supplies	378,109.00	Arose due to transitional delays in migrating to new service providers.	This expenditure occurred due to delays in moving from one expiring contract to a new compliant contract, this new contract is now up and running.
CODEX OFFICE PRODUCTS	Office Supplies	19,717.66	Arose due to transitional delays in migrating to new service providers.	This expenditure occurred due to delays in moving from one expiring contract to a new compliant contract, this new contract is now up and running.
MID FREIGHT SHIPPING LTD	File Storage	57,118.00	Arose due to transitional delays in migrating to new service providers.	This expenditure occurred due to delays in moving from one expiring contract to a new compliant contract, this new contract is now up and running.
AN POST SALES ACCOUNTING	Franking and Mailroom Services	21,476.99	Were for small non-competitive procurements which were not included in a previously approved compliant non-competitive process.	This expenditure was for shipping across multiple Divisions, the Divisions responsible have been instructed to use an appropriate competitive procurement process for future requirements.
DAVID COLLINS	Avian Influenza	3,000.00	Were for small non-competitive procurements which were not included in a previously approved compliant non-competitive process.	This expenditure relates to items which were outside the scope of a compliant contract for Avian Flu clean-up services.
EDDIE CARR & CO	Wastewater Treatment	31,293.35	Were for small non-competitive procurements which were not included in a previously approved compliant non-competitive process.	This expenditure relates to consumables which were outside the scope of a compliant contract for wastewater/sludge treatment, the Division involved has been instructed to use the appropriate procurement process to bring this into compliance.
ELLAB IRELAND LTD	Lab Equipment – Purchases, Maintenance, Support	1,553.40	Were for small non-competitive procurements which were not included in a previously approved compliant non-competitive process.	Small non-compliant expenditure which should not occur again, Division instructed to use an appropriate competitive procurement process in the future.
ESRI IRELAND LTD	ICT Software/ Licences	25,542.00	Licencing for Proprietary software	Licencing for Proprietary software, Division instructed to apply for approval to procure without a competitive process prior to engaging the service.

HENRY M&M SERVICES LTD	Haulage	2,460.00	Were for small non-competitive procurements which were not included in a previously approved compliant non-competitive process.	Small non-compliant expenditure which should not occur again, Division instructed to use an appropriate competitive procurement process in the future.
ILLUMINA IRL COMMERCIAL LTD	Laboratory Supplies	507.00	Were for small non-competitive procurements which were not included in a previously approved compliant non-competitive process.	Small non-compliant expenditure which should not occur again, Division instructed to use an appropriate competitive procurement process in the future.
KEARNEY BROS AGRI LTD	Farm Vehicles and Machinery	3,378.89	Were for small non-competitive procurements which were not included in a previously approved compliant non-competitive process.	Small non-compliant expenditure which should not occur again, Division instructed to use an appropriate competitive procurement process in the future.
KILBEGGAN HAULAGE	Haulage	9,853.48	Were for small non-competitive procurements which were not included in a previously approved compliant non-competitive process.	Small non-compliant expenditure which should not occur again, Division instructed to use an appropriate competitive procurement process in the future.
ML HARRINGTON PLANT HIRE	Works: Marine Contractor	2,758.00	Were for small non-competitive procurements which were not included in a previously approved compliant non-competitive process.	Small non-compliant expenditure which should not occur again, Division instructed to use an appropriate competitive procurement process in the future.
ORACLE EMEA LIMITED	ICT Software/ Licences	799.14	Were for small non-competitive procurements which were not included in a previously approved compliant non-competitive process.	Small non-compliant expenditure which should not occur again, Division instructed to use an appropriate competitive procurement process in the future.
QUADIENT IRELAND	Franking and Mailroom Services	4,900.67	Were for small non-competitive procurements which were not included in a previously approved compliant non-competitive process.	Small non-compliant expenditure which should not occur again, Division instructed to use an appropriate competitive procurement process in the future.
SAFETY DIRECT	Avian Influenza	873.55	Were for small non-competitive procurements which were not included in a previously approved compliant non-competitive process.	Small non-compliant expenditure which should not occur again, Division instructed to use an appropriate competitive procurement process in the future.

T NOLAN & SONS LTD	Farm Vehicles and Machinery	2,492.45	Were for small non-competitive procurements which were not included in a previously approved compliant non-competitive process.	Small non-compliant expenditure which should not occur again, Division instructed to use an appropriate competitive procurement process in the future.
WATER CHROMATOGRAPHY IRL LTD	Lab Equipment – Purchases, Maintenance, Support	6,260.40	Were for small non-competitive procurements which were not included in a previously approved compliant non-competitive process.	Small non-compliant expenditure which should not occur again, Division instructed to use an appropriate competitive procurement process in the future.
BERNARD BRADSHAW	Veterinary Services	32,650.91	Where no approval was sought prior to non-competitive procurement.	This was a temporary contract to cover short term Veterinary Inspector vacancy/absence in a live inspection external site. e.g. Meatplant or Border inspection point. The Division responsible has been instructed to use the relevant Dynamic Purchasing System (DPS) framework and where this is not possible to apply for approval to procure without a competitive process prior to engaging the service.
JOHN FAGAN	Veterinary Services	28,351.91	Where no approval was sought prior to non-competitive procurement.	This was a temporary contract to cover short term Veterinary Inspector vacancy/absence in a live inspection external site. e.g. Meatplant or Border inspection point. The Division responsible has been instructed to use the relevant Dynamic Purchasing System (DPS) framework and where this is not possible to apply for approval to procure without a competitive process prior to engaging the service.

PATRICK FLANAGAN	Veterinary Services	55,229.56	Where no approval was sought prior to non-competitive procurement.	This was a temporary contract to cover short term Veterinary Inspector vacancy/absence in a live inspection external site. e.g. Meatplant or Border inspection point. The Division responsible has been instructed to use the relevant Dynamic Purchasing System (DPS) framework and where this is not possible to apply for approval to procure without a competitive process prior to engaging the service.
WILLIAM MERNAGH MRCVS	Veterinary Services	46,880.59	Where no approval was sought prior to non-competitive procurement.	This was a temporary contract to cover short term Veterinary Inspector vacancy/absence in a live inspection external site. e.g. Meatplant or Border inspection point. The Division responsible has been instructed to use the relevant Dynamic Purchasing System (DPS) framework and where this is not possible to apply for approval to procure without a competitive process prior to engaging the service.
THE HYGIENE WAREHOUSE	General Supplies	35,823.20	Were numerous small purchases aggregated to breach threshold.	This was numerous small purchases of cleaning type products in a remote location which when aggregated breached the threshold. The Division responsible has been instructed to use the relevant framework where possible and use an appropriate competitive procurement process for any additional purchases which are not supplied through this framework.
DOMINICK LYDON (GALWAY) LTD	Works: Marine Contractor	28,800.00	Were previously awarded but exceeded the relevant thresholds for that competitive process.	Contract concluded in 2021.

ENVIRONMENTAL FACILITATION	Consultancy Services	283,558.04	Were previously awarded but exceeded the relevant thresholds for that competitive process.	A competitive compliant procurement contract was put in place in March 2022, however Non-Compliant expenditure of approx. €122K occurred in 2022 prior to the new contract.
G4S SECURE SOLUTIONS IRL LTD	Facilities Management	29,715.87	Were previously awarded but exceeded the relevant thresholds for that competitive process.	This non-compliant expenditure refers to security services at one DAFM site, following a management review it was decided to consolidate the procurement of this service with 5 other DAFM sites through a Framework, the contract should be in place in early 2023.
GC LEICTREACH TEO	Works: Marine Contractor	39,921.00	Were previously awarded but exceeded the relevant thresholds for that competitive process.	Most of this procurement has been moved into compliance in 2022
MASON TECHNOLOGY	Laboratory Supplies	76,956.41	Were previously awarded but exceeded the relevant thresholds for that competitive process.	Most of this procurement has been moved into compliance in 2022
PEAK SCIENTIFIC INSTRUMENTS	Lab Equipment – Purchases, Maintenance, Support	101,339.68	Were previously awarded but exceeded the relevant thresholds for that competitive process.	Most of this procurement has been moved into compliance in 2022
ROADSTONE LTD	Works: Marine Contractor	35,288.02	Were previously awarded but exceeded the relevant thresholds for that competitive process.	Most of this procurement has been moved into compliance in 2022
TICO MAIL WORKS LTD	Printing	45,144.87	Were previously awarded but exceeded the relevant thresholds for that competitive process.	
TIERNAN ENGINEERING LTD	Works: Marine Contractor	35,983.00	Were previously awarded but exceeded the relevant thresholds for that competitive process.	Most of this procurement has been moved into compliance in 2022
TONY KIRWAN ENGINEERING LTD	Works: Marine Contractor	35,042.00	Were previously awarded but exceeded the relevant thresholds for that competitive process.	Most of this procurement has been moved into compliance in 2022
TOTAL		3,787,740.43		