

SME Advisory Group

Thursday 13th December 2018

South Block, Government Buildings, Merrion Street, Dublin 2

Minutes

Attendees:

Jim Deane – OGP - Chair	Christine Murray - DBEI	Elizabeth Bowen – SFA
Sean Downey - CIF	Aidan Sweeney - IBEC	James Kiernan – Chambers
Colm Ó’Gormáin - CCPC	Wayne Tobin – ISME	Neil Kerrigan – EI
Tonia Spollen Behrens - EI	Derek Flanagan - OGP	Jason Coyle - OGP
Nora Bermingham - OGP	Joan Grogan - OGP	

Apologies:

Minister of State Patrick O’Donovan	Margaret Hearty - ITI
Caroline Sweeney - ITI	Áine Carroll - CCPC
Declan Hughes - DBEI	Neil McDonnell - ISME

1. Minutes of previous meeting and Actions Arising

The OGP welcomed the Group and advised them that the MoS sent his apologies as he could not attend the meeting. The minutes of the last meeting were taken as read and will be published on the OGP website.

The matter of Purchase Order data over €20k not being published by some sectors had been raised at the last meeting. Again, the OGP requested that if the Group were aware of issues in specific areas they should bring this to the attention of the OGP who will raise it at the Procurement Executive.

2. Programme for Government Review

The OGP thanked the group for submitting their views on the merits of establishing a Procurement Ombudsman. Following a detailed discussion, the consensus of the Group is that they are generally in favour of a review body / mechanism to allow their members appeal procurement decisions without having to take legal proceedings to the High Court. There was further consensus amongst the industry representatives that a wider public consultation should be considered as it was felt that the SME Advisory Group was not a broad enough base. While the OGP understands the points raised, consideration also has to be given to the impact on service delivery and procurement processes,

legislative implications, delays in awards of contracts to business, resources etc. The OGP advised they are represented on the EU Commission Working Group looking at review bodies of first instance. Further research needs to be carried out on this and the MoS will be meeting with his counterparts in other jurisdictions. Matters that the Group need to consider include:-

- Who else needs to be consulted on this?
- How exactly would their proposal work?
- What the legislative implications are with regards the remedies regulations?
- Have they consulted with their EU equivalents to get their views?
- Who would pay for this service?

The OGP said they would circulate the recent submissions from the Group on their views on the merits of establishing a Procurement Ombudsman, along with the points raised in this meeting. EI suggested we look at the Commission Report of 24/1/2017 on review procedures in the area of public procurement. IBEC circulated some statistical information from World Bank on First Instance Appeals Bodies in other member states for information. The OGP thanked the Group for their contributions on this subject which they will now consider.

3. Minister of State's Proposals

Following the MoS's meetings with the Local Government, Health, Defence and Education sectors to discuss the implementation of the procurement reform programme, the MoS is now expecting the Minister for Public Expenditure and Reform to approve his proposal to consult directly with Government Ministers on the matter. Approval is expected week commencing 17/12/2018. The OGP requested the Advisory Group contribute to this process by giving feedback to them by 31st January. The MoS would like to bring the proposal to Government in the New Year so their input would be welcome to inform the future direction of travel.

4. Social Considerations Information Note

The OGP confirmed the Social Considerations Information Note had now been published on their website. The next stage will be to establish an Advisory Group to advise Departments on the procurement path to incorporate such considerations. The Group will comprise representatives from the relevant Departments. Again, it was reiterated by the OGP that a key factor to be taken into account was the potential impact of such considerations on the SME sector. Ibec advised it was key to have supplier engagement in this regard.

5. Communication Strategy Update

The video for promoting the Tender Advisory Service was launched in November and the Group were thanked for their contribution to the review and the video production.

ITI are planning for the 2019 Breakfast Briefings and would like input from the Group regarding dates and hosting the events. General feedback was requested from the Group on the 2018 programme and if it had delivered for their members. Ibec advised that more advance notice should be given to the group for upcoming events.

The Group were advised that the OGP will be arranging a meeting of the SME Communication Strategy Subgroup in early 2019.

6. A.O.B.

The OGP advised on advice given to Contracting Authorities regarding Brexit, specifically Contracting Authorities need to look at their supplier base, gauge what their exposure is and take appropriate mitigating actions. An updated information note is being prepared for public bodies and will be available on the OGP website. The OGP has advised the health, education, local government and education sectors through the Procurement Executive to see what they are doing in relation to Brexit preparedness and will give feedback to the Group.