

SME Advisory Group Meeting

Monday 30th November 2020

By Video Conferencing

Minutes

Attendees:

Minister of State Ossian Smyth - Chair		Brendan Whelan - OGP
Derek Flanagan	Fergal Grogan – OGP	Joan Grogan – OGP
Laura Byrne – D/ETE	Neil McDonnell – ISME	Grant Gilmore – InterTrade Ireland
Sean Downey – CIF	Shane Conneely – Chambers	Ciaran McLaughlin – D/ETE
Tonia Spollen Behrens - EI	Tom Kelly – EI	Elizabeth Bowen – SFA
Aidan Sweeney – Ibec	Conor Byrne – OGP	Eugenia McLaughlin - OGP

Apologies:

Margaret Hearty – ITI	Sarah Smithers – D/ETE
Caroline Sweeney – ITI	Wayne Tobin – ISME
Ian Talbot – Chambers Ireland	Collette Crowne – CCPC
Declan Hughes – D/ETE	Emma Kerrins – Chambers Ireland
Christine Murray – D/ETE	

1. Previous Minutes and Actions Arising

The Minister of State welcomed the Group to the meeting, his second one to chair, and welcomed introductions from those not present at the previous meeting. ITI introduced themselves.

The Minister advised if there were no matters arising from the minutes of the previous meeting of 8 September they would be taken as agreed.

Ibec requested an update on the matter of the amendments to the Committee of Standing Orders that they raised at the last meeting under A.O.B. The Minister confirmed the Committees had been formed and the chairs appointed. He had written to the Ceann Comhairle advising of the concerns Ibec had raised. The Ceann Comhairle in turn would contact the relevant chairs and forward on Ibec's concerns.

2. COVID-19

The Minister confirmed that COVID-19 restrictions would be reduced to level 3 with effect from the following day and invited views or concerns from the Group in relation to COVID-19.

CIF made reference to the COVID-19 Information Note published by the OGP and advised it had been a constructive collaboration on risk sharing although some contracting authorities were slow to implement the guidelines. They advised that looking at construction in quarter one 2021 the OGP may have a role to play in determination and dispute avoidance.

The OGP advised although they issue guidance it is a matter between the contracting authority and the contractor. The guidance issued is strong on dispute avoidance but that is not always possible, and is a matter for the individual contracting authorities but the advice given is clear, to come up with the most beneficial solution.

The Minister addressed the changing arrangements for the supply of PPE and advised a proportion going forward is to be manufactured in Ireland and EI were working with the OGP on show casing this.

ISME raised the matter of PPE since the ViraPro hand sanitiser issue in schools. It was a technical issue but the requirement to have the relevant PCS number means items are now being banned by the EPS although they are safe, and wanted this marked as an issue.

EI advised that hand sanitiser had to have the relevant PCS number. Many licences were issued in the summer but there is now a backlog causing a bottleneck in supplies. The OGP advised they would raise the matter at the relevant forum and would speak to D/Agriculture on the matter. EI acknowledged the issues with D/Education and advised that moving forward there were Irish companies available with the relevant PCS number to supply hand sanitiser in the long term.

3. Brexit

The Minister advised the Group that the OGP had been issuing Information Notes on Brexit and were in the process of updating their current one, looking at the two possible scenarios which could unfold. The Minister asked the Group if they had any questions with regard public procurement and how Brexit would impact on trading with Northern Ireland and trade in general.

Ibec advised it would be beneficial for the Group to see the draft guidance. There is a need for contracting authorities to engage with companies as there could be supply chain issues, and with the onset of the National Development Plan there is a need for market awareness. There needs to be consistency amongst contracting authorities with regard the exclusion of UK or Irish firms due to the risk element.

The OGP advised the updated Information Note would be published imminently but it is targeted to public bodies and that contracting authorities need to go back and look at their supply chains. They reiterated it was down to the contracting authorities to look at the terms and conditions of their contracts, the OGP issue advice for commonality but invited the Group to come back to them if there were particular issues.

4. Strategic and Green Public Procurement

The Minister advised the Group that the OGP had been working with their colleagues in the Environmental Protection Agency (EPA) over the previous months in the area of green public procurement. The OGP issued an email to the Group on 5 November advising them the EPA were in the process of updating their 2014 publication *et*

, and were seeking the views of stakeholders in the consultation process on updating the document. The Minister reminded the Group that comments were due back to the EPA by Friday 4 December and asked if the Group had any questions on the matter.

Chambers Ireland expressed concerns regarding the €25k threshold and risk to SMEs of incorporating green criteria in public procurements as this could bring a €25k contract to €30k for the SME. They advised a lot of investment would be required for SMEs and asked if there were any plans to give advice to Departments, or if any studies had been done looking at the threshold in this regard.

OGP confirmed above threshold contracts must be advertised in the OJEU for goods and services and above €25k must be advertised on eTenders in line with national policy. The €25k threshold was a matter which had been discussed with the Group previously. They advised the external pressures may need to be looked at as well as at EU thresholds regarding initial costs.

The Minister requested if the Group would be making submissions to his office to include any observations on the threshold but stressed that the threshold is a matter of national public policy and is not optional. He requested any submissions by Friday 4 December.

CIF enquired if EI and ITI would be doing any sector specific public procurement training on the incorporation of green criteria. They advised this is now needed for their members, and that there could be leverage with using MEAT (Most Economically Advantageous Tender).

The Minister advised that the OGP and the EPA had been working together on the roll out of training on the incorporation of green criteria and the OGP advised the training was aimed at contracting authorities. The Minister enquired if any training would be targeted to suppliers as he acknowledged it would be hard for SMEs to incorporate the new rules. The OGP said they would take this into consideration.

Chambers Ireland advised that a lot of EU countries have a head start in this area and Ibec stated there was too much focus on the individual components, adding that the rules i.e. the Directives had not radically changed and Ireland, the Government, were not purchasing green or innovative products. They highlighted the need for more guidance to help suppliers to fill out tenders and the need for their products to be showcased. They mentioned the category councils and flagged the lack of supplier representation on these bodies. Chambers advised that if we want to get innovative products we need to change the approach to what and how we are purchasing.

Ibec referenced the OECD review on the circular economy and how to engage with the market. The OGP advised they were engaging with the D/CAE in this area and had participated in the event they held on behalf of the OECD where they discussed procuring in this manner.

5. A.O.B.

CIF agreed with Ibec's point on market engagement and acknowledged OGP's construction section looking at engagement with the market on incorporation of green criteria in the design and development process.

Ibec referenced the EU Council Conclusions *ct* *ct*
ct *ct* and advised it might guide strategy
in public procurement and new policy regarding thresholds, the recovery agenda, SMEs, digitalisation
and review procedures. The OGP advised they would circulate the document to the Group.

The Minister closed the meeting thanking the Group and advised he looked forward to meeting with
them again in the spring.