

## **Frequently Asked Questions** **(FAQs)**

### **What is TAS?**

TAS is an informal outlet, provided free of charge, to suppliers in order to raise concerns in relation to a live tender process carried out by the Office of Government Procurement or other public sector contracting body (excluding commercial semi-states bodies).

### **When will TAS commence operation?**

TAS will commence operation on 1<sup>st</sup> February 2015. Only Requests for Tenders (RFTs) published on/after the 1st February 2015, will be eligible for consideration by TAS.

### **Who can avail of the TAS?**

Suppliers actively engaged in a live tender process can avail of TAS.

Major works<sup>1</sup> and defence/security tenders (regulated under Statutory Instrument 62/2012<sup>2</sup>) are excluded from the scheme.

### **What criteria must be met before suppliers can avail of TAS?**

TAS can only be used by suppliers with an interest in a specific tender process in the following circumstances:

- their enquiry is in respect of a Request for Tender (RFT) that has been published
- the supplier has a registered interest in the specific tender process
- the supplier has already availed of the clarification process set out in the Request for Tender (RFT) documentation but is not satisfied with the response received from the contracting authority
- the supplier has completed a Standard Enquiry Form and forwarded it, and accompanying documentation, to TAS at least 6 days prior to the tender closing date

### **What information is required to complete the Standard Enquiry Form?**

The Standard Enquiry Form requests details of:

- the enquirer
- the contracting authority (e.g. Office of Government Procurement, the Health Service Executive, a Local Authority, the Department of Education)
- the tender, and
- the nature of the enquiry

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<sup>1</sup> Major Works are defined for the purpose of TAS as works contracts with a value in excess of €500,000.

<sup>2</sup> Refers to

- (a) Military equipment plus related works and services.
- (b) Sensitive security equipment, works and services which involve access to classified information.

### **Why do I need to complete a Standard Enquiry Form?**

The form serves as a record of your enquiry which may be communicated to the relevant contracting authority.

A fully completed form is required so that your enquiry is handled promptly and in full. The form should be accompanied by a copy of any relevant correspondence which formed part of the clarification process with the contracting authority. Failure to submit a completed Standard Enquiry Form and relevant correspondence may unduly delay the processing of your enquiry.

Details from the form may also be used in compiling statistics and reporting on the TAS process as required.

### **Is information provided by suppliers treated as confidential?**

Suppliers submitting an enquiry to TAS are consenting to the information being made available to the relevant contracting authority in order to facilitate the processing of their enquiry.

Beyond this purpose, information volunteered by suppliers will be treated with the highest standards of security and confidentiality, strictly in accordance with the Data Protection Act 1988 and the Data Protection (Amendment) Act 2003.

Where the operation of the TAS process is being reported on, all information will be presented in an anonymised manner to protect the identity of the relevant parties.

### **How will TAS deal with an enquiry?**

TAS will liaise with contracting authorities on behalf of suppliers to clarify or query tender documentation and, where necessary, will make suggestions to contracting authorities aimed at resolving concerns that have been raised. If an enquiry is judged to be complex, TAS may refer it for review to a member/s of the Expert Panel set up for this purpose.

TAS will ensure that any enquiry a supplier has made will be handled in good faith and will not be used to disadvantage the supplier in the future.

TAS will keep records of enquiries separate from other records.

### **What is the Expert Panel and how will it operate?**

The Expert Panel are staff who have wide experience in public procurement who are working in either the Office of Government Procurement or the sectors of Defence/Justice, Education, the Health Service Executive and Local Authorities. The Expert Panel may be called on by TAS to review complicated enquiries arising in areas other than their own.

### **How long will TAS take to deal with my enquiry?**

In order to avoid a delay in the tender process, it is envisaged that your enquiry should be processed typically within 3 working days.

In certain instances clarifications may take longer in view of the complexity of the tender process involved.

### **How will I be informed of the outcome of my enquiry?**

As tendering of Public Service contracts must be carried out in an open and transparent manner, any changes to a tender process arising from TAS will be communicated by the contracting authority to you and to all suppliers who have registered an interest in the tender process.

### **Will an enquiry to TAS result in the tender period being extended?**

Any decision to extend the tender period is solely a matter for the contracting authority.

### **If I use TAS will my rights under the Remedies legislations be effected?**

No, as an informal service, TAS does not in any way interfere with the statutory rights of individuals under the Remedies legislation, or other relevant legislation such as Freedom of Information and Data Protection legislation.

### **How can I contact the Tender Advisory Service?**

Enquiries should in the first instance be made to the OGP Customer Service Desk, who will advise you on your eligibility and the various steps for pursuing your enquiry through TAS.

- E-mail : [tenderadvisoryservice@ogp.gov.ie](mailto:tenderadvisoryservice@ogp.gov.ie)
- Phone: 01 647 6873