

Jonathon Codd

From: Sinéad Breathnach
Sent: 09 May 2022 15:52
To: Tom Draths
Cc: Daithí O'Connell; Jonathon Codd
Subject: RE: Update on Appeal Process/Status

Categories: [SharePoint] This message was saved in 'Community > Rural Development Programme > LAG Meetings 2022 COM-RDP-1 > 12 May 2022 > 31LDRWAT113885 Appeal'

Hi Tom,

As discussed, the advice from the Department of Rural & Community Development is that the Local Action Group (LAG) must consider the scope of the changes made in the delivery of the project as planned compared to the content of the Letter of Offer and contract. The LAG's deliberations must include examination of implications for procurement and delivery of the project as planned. Should the LAG be satisfied that the project will be delivered as intended and that the procurement process has not been compromised, it may then consider the rationale provided by the promoter.

As discussed, an opinion has been received with regards to the Procurement process and the comments received as follows:

- 1. The changes identified represent a material change to the subject matter of the original request for quotation/tender and if they were known at tender stage may have impacted on the decision of potential tenderers about whether they would submit an offer.*
- 2. Even though it has been indicated that the final price has remained unaltered there have been additions and omissions that effectively represent post tender negotiation which is not permitted in the regulations unless a process with negotiation is identified at the outset.*
- 3. The changes bring into question whether value for money has been achieved which cannot be determined without a comprehensive analysis of the financial changes to the original quotation and the absence of competitive quotes.*

The appeal is going before the LAG on Thursday morning so if you have anything further to add, please submit same **by Wednesday afternoon**.

Regards,

Sinéad

From: Tom Draths
Sent: Monday 9 May 2022 13:46
To: Sinéad Breathnach <sbreathnach@waterfordcouncil.ie>
Cc: Daithí O'Connell
Subject: Update on Appeal Process/Status

Hi Sinéad -

Do you have any details you can share on the status of our appeal or the appeal process? We have other claims that we would like to submit to LEADER for review, but we've learned that those must be held until the appeal is finished, so just looking for any clarity on the process and timeline so we can plan accordingly.

If it's easier to hop on a call to discuss, please let me know and I'll give you a call.

Thank you for your help,