

Hi Tom,

We can ask the LAG to consider your request below on the amount of ineligible funding as part of their deliberation on Thursday.

Regards,

Sinéad

From: Tom

Sent: Monday 23 May 2022 10:27

To: Sinéad Breathnach <sbreathnach@waterfordcouncil.ie>

Subject: Re: Dropped Calls

Sinéad,

One thing I was thinking about the risk to Waterford governmental bodies you mentioned last week.

If that risk is being considered as a potential reason for or against our appeal, I'd note that we believe the items ruled out of coverage by Leader outstrip the scope of the complaint about procurement.

I'll say again that we believe this to be a contractual issue - the contract lacks the required specificity around procurement; the burden for vagueness is on the writers of the contract, not on us. Additionally, the contract is specific about what equipment can be purchased only to the point of specifying "Blending equipment". We made those points clearly in our statement and stand behind them.

However, in considering the risk you mentioned, some of the equipment that Leader deemed out of bounds should not be considered so. The only piece of the blending equipment that could be considered materially different was the replacement of the electrical panel, which would have been claimed for about 8000 euros, or a 4000 euro claim from is.

To be sure, I do not believe that there is a material difference at play, and even if there was, the contract does not hold us accountable for that as it is written. People may wish that the contract be interpreted one way or another, but we can only go by what the words on the page say. However, if there is an insistence by Jimmy or others that a material difference exists and the contract does not matter as written, I'd argue that the risk to the county or government is only a 4000 euro claim for the electrical panel and nothing more, and that any additional equipment ruled out of bounds by Leader both further supports our arguments about the contract and should be excluded from any procurement concerns.

I'd suggest this is a reasonable consideration for LAG to take on board as it considers the matter this week. Taking such a stance gets much closer to making us whole and doing the right thing to support a small business in Waterford (which is what Leader is supposed to be about, in the end), and handling responsibly any concern (whatever our company stance on that is) about procurement.

Tom

On Fri, May 20, 2022, 11:09 AM Sinéad Breathnach <sbreathnach@waterfordcouncil.ie> wrote:

Hi Tom,

Certainly go ahead and submit the next Claim now as the checking process can commence on that. The Claim itself cannot be input on the Leader system until the current appeal is finalised. As explained, the appeal decision will be made on the 26th May by the LAG and if the decision is to reject the appeal, then you do have a further option to bring the appeal further to the Dept of Rural & Community Development.

There seems to be an issue with phone service at present so the fault could be on my side Tom.

Regards,

Sinéad

From: Tom
Sent: Friday 20 May 2022 09:28
To: Sinéad Breathnach <sbreathnach@waterfordcouncil.ie>
Subject: Dropped Calls

Hi Sinéad:

I've just tried to call you a couple of times, but there must be an issue with my audio - I can hear you but you can't hear me! Sorry for the issue there.

I know you mentioned earlier in the week that we are waiting until next week's meeting to get a final decision from the LAG on our appeal - do you have any indication on what might come from that?

I ask because we have additional claims that we'd like to submit through to LEADER (assuming that we are still able to; I'm somewhat fuzzy on what happens if our claim is denied by LAG). I've heard from LEADER that we cannot process any more claims with them until this appeal is resolved. My concern is that the LAG may come back with a request to look at the procurement process again, when the matter at hand concerns what is stated in the contract, not the actual procurement process. We would probably push back in this case and ask them to please review the contract again before we get into a protracted effort to look at procurement.

If there's any light you can shed on where things might be headed, please let me know. Do you know if we are able to push forward with LEADER on additional claims now, or must we wait until this matter is resolved before finishing up our business with LEADER?

Sorry for the dropped calls, and thank you for giving us your attention.

- Tom