



Thomas Draths <thomas.draths@wdoconnell.com>

Review of revised expenditure relating to the supplier, Barison Industry

6 messages

Claire Connors <Claire.Connors@wlp.ie>

13 April 2022 at 17:14

To: Thomas Draths <tom@wdoconnell.com>

Cc: Daithí O'Connell <daithi@wdoconnell.com>, Jimmy Taaffe <Jimmy.Taaffe@wlp.ie>

Dear Tom,

Further to your email dated 7th March 2022 outlining the changes in some of the items already purchased from the approved supplier, Barison Industry versus what was approved in your original tender documentation, please see our response below;

Following the advise of both the Department and a Procurement Expert, its has been confirmed that there is a material change to what was initially put out to market and also the substitution of the electrical panel, a significant element for an air compressed system is substantive in this context. We cannot rule out the lack of interest in responding to the tender specification a result of the original specification or indeed the range carried by the other invited tenderers. The recent investment in substituted items raises the question as to whether all original tenderers were in fact capable of meeting the revised specification. This is a material substantive deviation and as a result, the engagement on the differentiated specification with the supplier, Barison Industry breaks the link between the tender process already completed and the commercial engagement. They are separate processes involving materially and substantively different requirements.

Had WLP. CLG. been informed of these planned changes prior to making the expenditure, the outcome might have been lessened. However, on this basis, we will have to eliminate the ineligible expenditure which is as follows;

- Two 5000L tanks - two 1000L tanks were tendered
- One ATEX rated food pump – as only one ATEX rated food pump was specified
- Two x 6.0m hoses – two 1.5m hoses were tendered

The other items are still eligible to make a claim;

- One x ATEX rated food pump
- Two 3.0m hoses
- One x Anton Paar handheld metre
- Shipping

We cannot confirm the actual eligible amount until receive the suppliers invoices in English.

I understand that you still have further expenditure to make, can you please confirm that you have not deviated from the letter of offer in terms of the approved items for any other expenditure already made.

Regards,

Claire

Claire Connors,

Oifigeach Tionscadail/Project Officer,

Waterford Leader Partnership Ltd.,

Presentation Building,

Mitchell St,

Dungarvan,

Co. Waterford.

X35 DE98

T: 058-51505

M:087 2311062

Email:claire.connors@wlp.ie

Facebook: Waterford Leader Partnership Ltd.

Charities Regulatory Authority No.20070748

F: <https://www.facebook.com/WaterfordLeaderPartnership>

T: <https://twitter.com/wlpleader>

PLEASE LIKE US ON



Unsubscribe - Reply and state Unsubscribe



Department of Rural and
Community Development



An Roinn Forbartha
Tuisce agus Pobail

Tá an ríomhphost seo agus aon iatán a ghabhann leis rúnda agus is d' úsáid an té/na ndaoine a bhfuil sé seolta chuige/chucu, amháin é. D'fhéadfadh an t-ábhar a bheith faoi réir ag pribhléid dhlíthúil agus ghairmiúil. Mura seolaí ainmnithe nó ceaptha an ríomhphost seo tú, níor chóir duit an teachtaireacht seo, nó aon mhír de, a úsáid, a scaoileadh, a chóipeáil, a scaipeadh nó a choimeád. Más amhlaidh go bhfuair tú an ríomhphost seo trí earráid nó trí dhearmad, iarrtar ort sin a chur in iúl don seoltóir láithreach bonn, le do thoil agus aon chóip den ríomhphost seo a scriosadh ó do chóra(i)s ríomhaireachta.

Seiceáladh gach iatán le scanóir aimsithe víreas agus ceaptar iad a bheith saor ó víreas. Iarrtar ort áfach, a dheimhniú go ndéanfar gach teachtaireacht a scanadh ar fhaitíos víris, mar nach féidir aon dliteanas a ghlacadh maidir le haon ionfhabhtú nó damáiste a dhéantar do do chóras ríomhaireachta tríd an ríomhphost seo a fháil.

The information contained in this e-mail and in any attachments is confidential and is designated solely for the attention and use of the intended recipient(s). This information may be subject to legal and professional privilege. If you are not an intended recipient of this e-mail, you must not use, disclose, copy, distribute or retain this message or any part of it. If you have received this e-mail in error, please notify the sender immediately and delete all copies of this e-mail from your computer system(s).

Any attachments have been checked by a virus scanner and appear to be clean. Please ensure that you scan all messages as no liability can be accepted for contamination or damage to your systems.

Daithí O'Connell <daithi@wdoconnell.com>

14 April 2022 at 14:13

To: Claire Connors <claire.connors@wlp.ie>, Jimmy Taaffe <Jimmy.Taaffe@wlp.ie>

Cc: Thomas Draths <tom@wdoconnell.com>

A Jimmy agus Claire a chara,

I hope this email finds you well. Your email is incredibly disappointing to read and needless to say we wholeheartedly disagree with your view on this and would urge you to reconsider.

We first brought up the equipment changes after a call about wanting to see about moving suppliers on another part of expenditure as our quotations provided had increased. We have never tried to mislead or be dishonest in any way and it seems like we are being penalised for having integrity. No matter what way it's worded You/WLP is denying our claim simply because we got better value, 5 times better value actually. We got bigger tanks and longer hoses and more pumps than we originally asked for from the actual winning supplier, the only supplier that responded out of 5 RFQ invitations.

In our view the case being made that if we had specified this particular list of equipment in our RFQ that perhaps others would have responded is not strong. It's important to remember that we had previously

submitted a tender for the same equipment and while we received some responses, just one was valid in any way shape or form with your guidelines or our RFQ. When we resubmitted the revised invitation to tender again, we received no official responses from any of those parties who had previously engaged with us; they did not want to deal with what they unanimously called the rigidity of our process and wasting of their time. As luck would have it Barison are the market leader for blending & distillery equipment in Ireland with a fantastic track record of support and ability to scale whereas the majority of others we were dealing with are merely traders who source equipment from anywhere they can. In essence none of them would have had the knowledge and skills to work with us to create this new, far superior system we have today. Barison are also EU based with an Irish agent rather than the other firms, who are based in Britain or China with no presence here - this is also a massive benefit.

For some additional context the specification for those tanks was first written in May 2020, 6 months after we launched our first products to market. By the time the tender was submitted in November 2020 it was not fit for purpose as we were about to outgrow them. The specification was also written by an external consultant using the business continuity voucher from Waterford LEO with the viewpoint that we are a distillery not a bonder and bottler; with hindsight we know that was not correct and therefore was too over the top from an ATEX electrical specification which was adding a lot of costs. It's important to note that the bottling line we finally approved and will be submitting our claim for next week post its commissioning would bottle the entire contents of both of those 1000 Ltr tanks in 2.5 hours.

When it came to finally confirming the order it was summer 2021; when we chatted with Barison we knew there was a problem with size and efficiency as we had just made plans to do 2 x 1500 litre bottling runs for new export markets already. It was clear our new tanks would be redundant before we even received them.

We had also just learned that we needed to buy an food grade air compressor for our bottling line; when discussing with Barsion we realised we could reconfigure our set up to avoid having to run two separate control systems (air control panel & electric control panel) and get greater capacity at the same time. This new set up working with the bottling line we had ordered would now take that same line almost 12 hours to complete.

We are now future proof, we are efficient and we are saving energy and installation costs. We used our budget in a way that best showcases the agility and ingenuity of small businesses across the country. Waste is not something we can afford and not getting paid this portion of the grant we are entitled to is not something we can afford either.

We would implore you to reconsider your decision based on what we have outlined here; and perhaps Jimmy a site visit next week would be in order, I am not around myself as I am in South Africa visiting our importer and I am then in Germany with our importer there, however Tom is for a couple of days as he is commissioning our bottling line and is also entertaining the Minister of State for Business, Employment and Retail on the 21st.

Either way a response by close of business Tuesday as to your thoughts would be highly appreciated.

Cásca shona daoibh go léir,

Daithí O'Connell

[Quoted text hidden]

Jimmy Taaffe <Jimmy.Taaffe@wlp.ie>

14 April 2022 at 15:09

To: Daithí O'Connell <daithi@wdoconnell.com>, Claire Connors <Claire.Connors@wlp.ie>

Cc: Thomas Draths <tom@wdoconnell.com>

Daithi

Thank you for your mail. I would be very happy to meet you and your colleague next week. Tuesday at 9.00am would suit in Kilmacthomas. If that does not suit, any time on Thursday would suit.

Having read your mail, I can understand some of the points you made. However, it is not in our gift or the gift of the LCDC to change the contract you signed for LEADER Funding after the fact. In that contract certain items were listed, and you agreed in the contract to purchase those exact items.

The tendering process at application stage is key and we always emphasised that at the training sessions. Regardless of the good value/good deal that you obtained, there is a material deviation in the specification between the tender and what was purchased, and the equipment purchased is not what was approved for grant aid. If you had wanted to change the specification and hence the contract, you should have notified us well in advance that the equipment tendered for was not sufficient and that you were retendering for more appropriate equipment and holding off on the purchase to allow ourselves to evaluate the change. While this would have taken 2 months, it then would have afforded an opportunity to the LCDC to alter the contract and re-issue a new contract, after which you could have purchased the retendered equipment.

With regard to the other elements of the Letter of Offer, are you sticking with the items listed in the contract?

Finally, we did check and obtain expert advice to see if the fact that the equipment was purchased from the same supplier would act as a mitigating factor. The response was that given the change in specification from the electrical system to the vacuum system, it is a material deviation.

Please let me know what day would suit, and in terms of Thursday, what time?

Thanks & Regards,

Jimmy Taaffe

Chief Executive Officer / Príomhoifigeach Feidhmiúcháin

Waterford Leader Partnership CLG

Lismore Business Park,

Mayfield,

Lismore,

Co. Waterford.

Charities Regulatory Authority No.20070748

F: <https://www.facebook.com/WaterfordLeaderPartnership>

P51 XVP6

Ph: 058-54646

Email : jimmy.taaffe@wlp.ie

PLEASE LIKE US ON 

Tá an ríomhphost seo agus aon iatán a ghabhann leis rúnda agus is d' úsáid an té/na ndaoine a bhfuil sé seolta chuige/chucu, amháin é. D'fhéadfadh an t-ábhar a bheith faoi réir ag pribhléid dhlíthúil agus ghairmiúil. Mura seolaí ainmnithe nó ceaptha an ríomhphost seo tú, níor chóir duit an teachtaireacht seo, nó aon mhír de, a úsáid, a scaoileadh, a chóipeáil, a scaipeadh nó a choimeád. Más amhlaidh go bhfuair tú an ríomhphost seo trí earráid nó trí dhearmad, iarrtar ort sin a chur in iúl don seoltóir láithreach bonn, le do thoil agus aon chóip den ríomhphost seo a scriosadh ó do chóra(i)s ríomhaireachta.

Seiceáladh gach iatán le scanóir aimsithe víreas agus ceaptar iad a bheith saor ó víreas. Iarrtar ort áfach, a dheimhniú go ndéanfar gach teachtaireacht a scanadh ar fhaitíos víris, mar nach féidir aon dliteanas a ghlacadh maidir le haon ionfhabhtú nó damáiste a dhéantar do do chóras ríomhaireachta tríd an ríomhphost seo a fháil.

The information contained in this e-mail and in any attachments is confidential and is designated solely for the attention and use of the intended recipient(s). This information may be subject to legal and professional privilege. If you are not an intended recipient of this e-mail, you must not use, disclose, copy, distribute or retain this message or any part of it. If you have received this e-mail in error, please notify the sender immediately and delete all copies of this e-mail from your computer system(s).

Any attachments have been checked by a virus scanner and appear to be clean. Please ensure that you scan all messages as no liability can be accepted for contamination or damage to your systems.

[Quoted text hidden]

Tom Draths <tom@wdoconnell.com>

14 April 2022 at 16:50

To: Jimmy Taaffe <jimmy.taaffe@wlp.ie>

Cc: Daithí O'Connell <daithi@wdoconnell.com>, Claire Connors <claire.connors@wlp.ie>

Hi Jimmy -

I can be at the warehouse in Kilmacthomas on Tuesday afternoon, or I can meet you anytime Wednesday, or Thursday at 9am. Let me know what works best for you and I'll be there.

All the best,
Tom

Tom Draths

Operations

wdoconnell.com

All Social Media: @oconnellwhiskey

Phone: +353 83 090 7060

[Quoted text hidden]

Tom Draths <tom@wdoconnell.com>

15 April 2022 at 11:59

To: Jimmy Taaffe <jimmy.taaffe@wlp.ie>

Cc: Daithí O'Connell <daithi@wdoconnell.com>, Claire Connors <claire.connors@wlp.ie>

Hi Jimmy -

I'm sorry to cancel next week, but I'm not going to be available after all. I'm tied up working on the bottling line commissioning for the days that I'm there. If it works for you, we'll reschedule for a later week in April.

Enjoy your weekend,
-Tom

Tom Draths

Operations

wdoconnell.com

All Social Media: @oconnellwhiskey

Phone: +353 83 090 7060

[Quoted text hidden]

Jimmy Taaffe <Jimmy.Taaffe@wlp.ie>

16 April 2022 at 14:15

To: Tom Draths <tom@wdoconnell.com>

Cc: Daithí O'Connell <daithi@wdoconnell.com>, Claire Connors <Claire.Connors@wlp.ie>

Thanks Tom,

If you can give two options, I will do one.

Regards: Jimmy

From: Tom Draths <tom@wdoconnell.com>

Sent: Friday 15 April 2022 11:59

To: Jimmy Taaffe <Jimmy.Taaffe@wlp.ie>

Cc: Daithí O'Connell daithi@wdoconnell.com Thanks Tom; Claire Connors <Claire.Connors@wlp.ie>

Subject: Re: Review of revised expenditure relating to the supplier, Barison Industry

Hi Jimmy -

I'm sorry to cancel next week, but I'm not going to be available after all. I'm tied up working on the bottling line commissioning for the days that I'm there. If it works for you, we'll reschedule for a later week in April.

Enjoy your weekend,

-Tom

Tom Draths

Operations

wdoconnell.com

All Social Media: @oconnellwhiskey

Phone: +353 83 090 7060

[REDACTED]

On Thu, 14 Apr 2022 at 16:50, Tom Draths <tom@wdoconnell.com> wrote:

Hi Jimmy -

I can be at the warehouse in Kilmacthomas on Tuesday afternoon, or I can meet you anytime Wednesday, or Thursday at 9am. Let me know what works best for you and I'll be there.

All the best,

Tom

Tom Draths

Operations

wdoconnell.com

All Social Media: @oconnellwhiskey

Phone: +353 83 090 7060

[Quoted text hidden]