

**Minutes of the Wexford Local Community Development Committee (LCDC)
meeting
Thursday, 7th December, 2017 1.00 p.m. – Council Chamber, County Hall, Wexford**

Attendance:

In the Chair: Councillor Kathleen Codd-Nolan (Public Sector)

LCDC Members:

Councillor Michael Sheehan (Public Sector)
Councillor Tony Dempsey (Public Sector)
Mr. Tom Enright, Wexford County Council (Public Sector)
Mr. Seán Quirke, (PPN Community & Voluntary Sector)
Mr. Liam Daly, Department of Social Protection (Public Sector)
Ms. Madeleine Quirke, (Business Sector)
Mr. Tom Banville, Local Enterprise Office (Public Sector)
Mr. John Joe Kavanagh, Farming Sector
Ms. Mary Hamilton, (PPN Community & Voluntary Sector)
Ms. Karin Dubsy, (Environmental Sector)
Ms. Jeanne Hendrick, HSE (Public Sector)
Mr. Pat Rath, Community & Voluntary Sector

Also in attendance:

Mr. Ger Mackey, Chief Officer
Mr. Pdraig O’Gorman, Wexford County Council
Ms. Ann Marie Laffan, Wexford County Council
Mr. Michael Sweeney, Wexford County Council
Mr. Sean Kavanagh, Wexford County Council
Mr. JJ Doheny, Wexford County Council

Apologies:

Councillor Anthony Donohoe (Public Sector)
Ms. Bridget Neville, (Wexford Council of Trade Unions)
Mr. Kevin Lewis, WWETB
Ms. Anne Shannon, (Social Inclusion Sector)
Mr. Brian Toomey, (Social Inclusion Sector)
Mr. John Carley, Wexford County Council

Adoption of Minutes:

The minutes of the Local Community Development Committee (LCDC) meeting of the 15th November, 2017, were adopted.

Proposed: Tom Banville

Seconded: Cllr. Michael Sheehan

Matters Arising

None

SICAP 2018 - 2022

Mr. Mackey presented the Chief Officers report on the status of the SICAP 2018 – 2022 procurement process which included the legal and procurement options available to the LCDC following the outcome of the SICAP tender evaluation. He advised the members that he had consulted with the Dept. of Rural and Community Affairs, Pobal, Wexford County Council's Procurement and Finance Departments as well as legal advice from A&L Goodbody Solicitors and procurement advice from Greenville Procurement. Based on this advice there are two possible options open to the LCDC:

- To re-advertise the tender
- To action Regulation 32 of the Procurement Regulations, S.I. 286 of 2016

Mr. Mackey sought approval from the LCDC for the following:

- The LCDC extend the Current SICAP Contract until March 31st 2018.
- The LCDC action Article 32(2)(a) of S.I 286 of 2016.
- The LCDC invite WLD to participate in a Negotiated Procedure.
- The establishment of a 3 person negotiating team made up of, The Chief Officer, Mr. Ger Mackey, Mr Padraig O Gorman, SEO Housing and Community and Ms Ann Gallagher, Governance, Legal and Public Affairs Consultant.

He noted that the indicative timeframe for the conclusion of the negotiated process will be 6th February 2018.

Mr. Quirke asked if the contents of the correspondence received by the LCDC members on 6th December 2017 could be discussed. In response Mr. Mackey read out a letter of response to Wexford Local Development drafted by A&L Goodbody Solicitors.

Mr. Daly asked if this letter had already been sent and queried why the LCDC was going down a legal route. Mr. Rath agreed with Mr. Daly and stated that it is important to take a calm approach in this situation. Mr. Enright suggested that the letter could be sent on LCDC headed paper rather than from legal agents.

A discussion took place on the process involved with Mr. Quirke and Mr. Kavanagh expressing their concerns regarding the time available and input available from LCDC members in the process. Mr. Enright noted that a careful approach is required here as this involves a contract worth ten million euro. He also stated that it is not the job of the LCDC to assess the tender and it is not possible to go back on the procurement process. Mr. Enright also noted that it is important that correct processes are followed. As part of the tender the programme implementer needs to demonstrate how they can deliver services.

Ms. Quirke stated that she has a lot of respect for Wexford Local Development and the work they do. She agreed that the negotiated procedure is the best option and queried how that process works. Mr. Mackey explained that a three person team as outlined earlier would be appointed to meet with Wexford Local Development. The process will be outlined in writing in advance and it would be hoped to complete the process by 6th February 2017.

Cllr. Sheehan stated that we need to get a contract in place and proposed the following:

- Extending the existing SICAP contract until March 31st 2018
- Proceeding with a Negotiated Procedure
- The establishment of a 3 person negotiating team made up of The Chief Officer, Mr. Ger Mackey, Mr Pdraig O Gorman, SEO Housing and Community and Ms Ann Gallagher, Governance, Legal and Public Affairs Consultant.

Mr. Mackey requested that two members on the public side excuse themselves from voting to maintain the required private/public voting balance. Mr. Enright and Ms. Hendrick excused themselves from voting.

It was agreed by majority vote to approve Cllr. Sheehan's proposal with 9 members voting for the proposal and 2 members abstaining.

Proposed: Cllr. Michael Sheehan

Seconded: Mr. Madeline Quirke

Ms. Dubsy queried what the appeals process was and Mr. Mackey replied with the response as outlined in the A&L Goodbody Solicitors letter which states that the sole mechanism for an appeal is to the High Court.

Mr. Daly queried to what extent are we overseeing the existing contract. Mr. Mackey responded by stating that WLD report to each meeting of the LCDC giving an update on the Programme. Mr. Mackey advised the committee that there is a need to strengthen the qualitative focus of the Programme Delivery.

There was some discussion regarding the letter of response to Wexford Local Development from the LCDC members setting out the legal position with Mr. Mackey stating that a response was necessary.

Ms. Hamilton queried why the tender documents hadn't been shared with LCDC members. Mr. Mackey responded to say that this was not possible due to data protection requirements and Mr. Enright added that the tender contained commercially sensitive information.

Date for Next Meeting:

Mr. Mackey confirmed the date for the next meeting would be 15th December at 10.00 a.m. This concluded the business of the meeting.

