

**For the Attention of The Committee for Finance & Personnel, Northern Ireland Assembly**

**INQUIRY INTO PUBLIC PROCUREMENT POLICY AND PRACTICE IN NORTHERN IRELAND**

Dear Committee Members

We are responding to your recently published notice inviting comment on Public Procurement Practice in Northern Ireland, which we welcome.

**Background**

We, ASG, have contributed energetically and, we trust, constructively to consultation processes and studies attaching to Public Procurement in the very recent past. Our inputs have most obviously attached to:-

**NICS Campaign Advertising and Related Services Framework Agreement/Tender Ref; FI565007**

This Framework is obviously sector specific and of particular consequence to ASG as a provider of Strategic Marketing & Communications services. We contributed thinking during the consultation window both unilaterally and via our industry representative body, The Institute of Practitioners in Advertising. Our principal point of reference during this consultation was the Executive Information Service.

**Confederation of British Industry (NI)**

Our corporate membership of CBI and inclusion within its Procurement Policy Working Group has further resulted in substantial dialogue with Central Procurement Directorate and associated COPEs in recent months, a dialogue which is ongoing and which will have very public expression at the NI Procurement Conference to be held on 5<sup>th</sup> March 2009. ASG is therefore an active contributor to the debate on the particularly important issue of Public Procurement.

Notwithstanding the weight of submission previously forwarded in response to both the Framework and CBI lobby referenced above, we would wish to forward the following comments, which we trust are appropriately timely and commensurate with the Terms of Reference attaching to this consultation. We also offer these comments in a context which is not restricted to our own area of professional practice but which should additionally reflect the experience of and challenges facing all SMEs.

**Bidding Costs**

An obvious challenge for potential respondents to Public Procurement invitations. These are largely dictated by the specific requirements of the tender in question and the timeframe being made available for completion of response. Experience suggests (notwithstanding Frameworks) that requirements tend to be unduly exhaustive and timeframes unduly punitive. Such considerations are of particular sensitivity in relation to SMEs.

The relationship between bid cost and potential commercial return (if successful) is often unattractive to the bidder and rarely, if ever, is a timeframe more generous than those formalised within Frameworks-and these are already hugely restrictive.

### **Language and Clarity of Tender Documentation**

Much progress has been made in this area in recent times as a consequence of consultation and improving, regular dialogue. Having said, tender documentation often prompts a requirement for further questions and clarification from bidding parties; timeframes should adequately allow for such process and speed of response to clarification queries should be the subject of an agreed protocol. We would greatly encourage a continuing commitment to clarity of language and intention in the drafting of invitations to tender.

### **Previous Experience-Still an Ambiguous Position?**

At time of writing, there appears to be an uncertainty (perhaps legal) as to the requirement for evidence of previous experience in secondary competitions if same has been demonstrated in a successful Framework bid. Such ambiguity is wholly unsatisfactory and is requiring of definitive clarification.

### **Experience of Assessment Panels**

Professional Procurement requires resource-and said resource requires to be both experienced and intellectually imaginative. We would encourage a rigorous and ongoing assessment of the assessor in this context. We would further encourage an examination of appropriate third party expertise-perhaps a panel of qualified assessors in different disciplines-which might be drawn upon as necessary.

### **A Focus on Fitness for Purpose and 'World Class' Outcomes**

The 'process' of Public Procurement is a demanding one for the procurer and there is a very substantial volume of work to be awarded in any one year. The sheer scale of this process might-and we stress might-result in a slipping of focus upon the primary intention of the procurement in the first place-and that is

ultimately the provision of services to the citizen. And not just services, but services which are best in class.

A previous Northern Ireland Secretary of State, Peter Hain MP, said shortly before leaving office that if Northern Ireland is truly to become a 'world class society' then it must genuinely deliver 'world class public services'. This is a noble ambition and one which goes beyond the purely quantitative. We believe, as an SME endeavouring to reflect such sentiment and live up to such expectation in our work, that such a culture can only positively impact upon outcomes and delivery.

Thank you for your consideration of this commentary.

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