

1

Patrick McHale

From: Patrick McHale  
Sent: 01 April 2005 16:00  
To: 'Michael Sheary'  
Cc: Michael Guilfoyle; Fintan O'Brien  
Subject: RE: re dublin port company

Michael,

Thank you for your email of 1 April 2005 (sent at 14:28).

The Department does not agree that this matter was discussed at our meeting on 23 February 2005.

The Department is requesting Dublin Port Company to provide information in relation to the company "facilitating a consortium in a tendering process for the National Conference Centre". For the present, the Department requests the company to provide a note setting out the involvement of the company in, and implications for the company of, the consortium's proposal and a clear statement of what "facilitating" means. Specifically, the Department requests the company to address in the note the following issues which are covered by the Code of Practice for the Governance of State Bodies:

- Section 5 - Disposal of assets and access by third parties
- Section 6 - Establishment of subsidiaries and acquisitions by State bodies

Thanks.

Patrick

-----Original Message-----

From: Michael Sheary [mailto:msheary@dublinport.ie]  
Sent: 01 April 2005 14:28  
To: Patrick McHale  
Subject: RE: re dublin port company

Dear Patrick

Dublin Port Company is facilitating a consortium in a tendering process for the National Conference Centre under a Government sponsored competition.

This matter has been notified to the Department through the Chairmans S.28 report issued yesterday and indeed through his 6 month interim report issued in July 2004. You will also recall that the matter was discussed at our meeting on 23rd of February 2005.

The company, has complied and will continue to comply with relevant Public Procurement Laws and Government Guidelines.

Regards

Michael Sheary

-----Original Message-----

From: Patrick McHale [mailto:Patrick.McHale@dcmnr.gov.ie]  
Sent: 23 March 2005 13:02  
To: Michael Sheary  
Cc: Fintan O'Brien; Michael Guilfoyle  
Subject: FW: re dublin port company

Michael Sheary  
Secretary  
Dublin Port Company

We have received some queries (see below) from Colm Keena of the Irish  
Names regarding a national conference centre proposal. To allow us deal  
with the queries could you let me have relevant information relating to  
the proposal, in particular in relation to compliance with the Code of  
Practice for the Governance of State Bodies.

Thanks.

Patrick McHale  
Maritime Transport Division

-----Original Message-----

From: Aoife McQuillan  
Sent: 23 March 2005 12:26  
To: Patrick McHale  
Subject: FW: re dublin port company

-----Original Message-----

From: Aoife McQuillan  
Sent: 22 March 2005 14:39  
To: Catherine Campbell  
Subject: FW: re dublin port company

Hi Catherine,  
As per conversation. The only thing re the names is that I don't know  
100% that he got these names from Dublin Port Company but in my  
conversation with him of yesterday he didn't mention any names.

Thanks again,  
Aoife

-----Original Message-----

From: Grainne Geraghty  
Sent: 22 March 2005 14:35  
To: Aoife McQuillan  
Subject: FW: re dublin port company

-----Original Message-----

From: colm keena  
Sent: 22 March 2005 14:28  
To: Grainne Geraghty  
Cc: colmkeena@hotmail.com  
Subject: re dublin port company

Grainne,

My query concerns the national conference centre proposal with which  
Dublin  
Port Company is associated. The other parties involved are I belived  
Chris  
Bennett and Matt Gallagher. The consortium is one of three that was  
invited  
in 2004 by the government to submit tenders to the OPW/Dept of Tourism.  
The  
closing date is now April of this year.

The proposal from the Bennett consortium involves the construction of  
the  
centre on land owned by Dublin Port Company.

As I understand it there are guidelines governing the use of assets held  
by  
state commercial companies. These include the Code of Practice for the

Governance of State Bodies and procurement guidelines generally. There  
a  
general requirement as I understand it that there be a competitive  
process  
when assets held by a state company are becoming available for private  
commercial use. The alternatives to such a public process involve  
getting  
permission from the government to proceed, as I understand it.

I wish to ask whether:

The Dept is satisfied that the consortium with which the Dublin Port Co  
is  
associated, has been assembled while complying with the government's  
public  
procurement procedures?

Whether the Dept has been contacted by the company in relation to the  
matter?

And whether the Dept has been asked for, and or has granted, permission  
to  
the company to proceed without a public process inviting parties to  
participate?

Colm Keena

Public Affairs Correspondent  
The Irish Times.

(This is my home email address)

---

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\*\*\*\*\*

Tracking:

Recipient

Read

Patrick McHale

2

**From:** Grace Cappock  
**Sent:** 07 April 2005 15:20  
**To:** Patrick McHale  
**Cc:** Michael Guilfoyle; Fintan O'Brien; Catherine Campbell  
**Subject:** RE: Query....

**Importance:** High

Patrick,  
What I propose to say to the Independent is as follows:

"In the normal course of events the Department wouldn't be privy to the kind of information requested by you, especially commercial agreements between the Dublin Port Company and the company concerned. The Department have written to the Dublin Port Company requesting further information regarding their involvement in the National Conference Centre and we are awaiting a reply."

Could you let me know if you are happy with this or suggest any amendments please?  
I wish to go back to the journalist before 4pm.

Many thanks for your assistance.  
Kind regards,  
Grace

*Grace Cappock  
Press Advisor  
Department of Communications, Marine and Natural Resources,  
Adelaide Road,  
Dublin 2.*

-----Original Message-----

**From:** Patrick McHale  
**Sent:** 07 April 2005 10:42  
**To:** Grace Cappock  
**Cc:** Michael Guilfoyle; Fintan O'Brien  
**Subject:** RE: Query....

Grace

I refer to our telephone conversation yesterday regarding the Minister's powers to request information from Dublin Port Company.

Section 28(3) of the Harbours Act 1996 provides that "a company shall, if so required by the Minister, furnish to the Minister such information as he (*sic*) may require in respect of .. any report of the company ...". It seems to me that, in this case, the Minister could use this power if he wishes.

Patrick

-----Original Message-----

**From:** Grace Cappock  
**Sent:** 06 April 2005 18:11  
**To:** Patrick McHale  
**Subject:** RE: Query....

Patrick  
They are willing to wait until tomorrow to get a 'line' from us. I'm going to talk to the Minister about this as well.  
Thanks,  
Grace

Grace Cappock  
Press Advisor  
Department of Communications, Marine and Natural Resources,  
Adelaide Road,  
Dublin 2.

-----Original Message-----

**From:** Patrick McHale  
**Sent:** 06 April 2005 17:50  
**To:** Grace Cappock  
**Cc:** Michael Guilfoyle; Fintan O'Brien; Catherine Campbell  
**Subject:** RE: Query....

Grace

We have also received queries on this matter (through Aoife McQuillan) from Colm Keena of the Irish Times.

Dublin Port Company tells us that it is facilitating a consortium in a tendering process for the National Conference Centre.

The current position is that this Division has requested Dublin Port Company to provide it with an information note setting out the involvement of the company in, and the implications for the company of, the consortium's proposal for the National Conference Centre.

We have not received this information note yet.

Happy to discuss if you wish.

Patrick McHale  
Assistant Principal  
Maritime Transport Division

-----Original Message-----

**From:** Grace Cappock  
**Sent:** 06 April 2005 16:01  
**To:** Catherine Campbell  
**Cc:** Patrick McHale  
**Subject:** Query....

Catherine,

Further to our telephone conversation please find below various questions from Irish Indo re: Dublin Port and the National Conference Centre

What is the agreement between Dublin Port and Bennetts Construction.

Where is the site?

How much will Port be spending?

What is the shareholding arrangement between Port and Bennetts?

How did they select Bennetts? Was there a tendering procedure? Was it advertised? Who bid?

As I said, they were in contact with Dublin Port who got their PR Company - Gibneys - to contact the journalist with a statement, which basically said that they had complied with all relevant public procurement and state guidelines to date and that they don't have to provide any further details.

Journalist from Indo wants a comment from us and answers to the above questions as we are the main shareholder in the port.

They are looking for a response from us this evening.  
Thanks for your assistance.

Kind regards,  
Grace

*Grace Cappock  
Press Advisor  
Department of Communications, Marine and Natural Resources,  
Adelaide Road,  
Dublin 2.*

6

# Dublin Port's conference bid plan queried

Tom Lyons

THE Department of Communications has raised serious questions with Dublin Port Company about its role in a bid to build a national conference centre.

It raised its concerns with the Anna Livia consortium in a letter sent in the last few days.

As the shareholder in Dublin Port, the Department has asked for more information on its relationship with privately owned Bennett Construction, the Port's partner in the bid.

In reply to questions from this paper, Dublin Port said it was "facilitating a consortium in tendering for the National Conference Centre".

The Department said last night: "We have raised queries with the Port about what the term 'facilitating a private builder in its bid to build the national conference centre' means.

"The Department requested the company to provide a note which would give a clear statement of what the term 'facilitating' meant.

"The Department specifically requested information

under section 5 and 6 of the Code of Practice for the Governance of State Bodies, which deal with disposal of assets and establishment of subsidiaries respectively."

It believed that one of the Department's primary concerns relates to the issue of tendering and whether a tender process took place before the Port linked up with Bennett.

Dublin Port has refused to answer detailed questions submitted to it by this paper concerning the terms of its deal and how it selected privately-owned Bennett Construction.

In a statement, the Port said: "Dublin Port Company is facilitating a consortium in tendering for the National Conference Centre."

The publicly-owned body said it was not prepared to comment further pending the submission of its bid at the end of this month to the Office of Public Works and the final outcome of this process.

It added: "Dublin Port has informed its shareholder that it is facilitating a consortium, and to the extent relevant to date, Dublin Port Company has complied in full with all relevant public

procurement and State guidelines."

It is not clear from Dublin Port's response to our questions whether it considered any other offers in relation to the conference centre bid.

It is known that two routine reports submitted to the Department in July 2004 and another less than 10 days ago refer to the consortium and its bid.

The most recent from Dublin Port chairman Joe Burke mentioned that it is 'facilitating' a bid to build a national conference centre.

He flags the plan to build a national conference centre, due to be submitted in three weeks, as number 16 of 24 significant events it is facing.

Neither report reveals much of the nature of this bid, or even names its private partner in the deal.

The other bidder remaining in the race to build a National Conference Centre is Spencer Dock Developments, a consortium of Treasury Holdings, Harry Crosbie and CIE. This bid has had its fair share of controversy in the past. However, it has obtained full planning permission for its proposal, unlike Anna Livia.

Patrick McHale

**From:** Grace Cappock  
**Sent:** 08 April 2005 15:25  
**To:** Patrick McHale  
**Cc:** Fintan O'Brien; Michael Guilfoyle; 'noelmin@eircom.net'  
**Subject:** Further Queries from Irish Independent.

7

**Importance:** High

Patrick,

Below please find 12 further questions from the Irish Independent regarding Dublin Port.  
Can you come back to me regarding these queries please?

Thanks,

Grace

1. When exactly did the Department raise queries with Dublin port about what "facilitating" a private builder in its bid to build the national conference centre means?
2. Has it received a response?
3. If it has received a response does the Department consider it adequate?
4. If it has received a response based on the contents of this does it continue to support the port's bid?
5. If it has received a response is it satisfied that the Port has complied with Section 5 and 6 of the Code of Practice for the Governance of state bodies?
6. Or does it require more information?
7. Has the Department, or does the Department, intend to issue further requests for additional information from the port? If so what?
8. If it has not received a response when does it expect to?
9. If it has not received a response what would it expect this response to contain in order for it to be satisfied?
10. Does the Minister plan to meet with Dublin Port face to face to discuss the matter?
11. To date has the Department discussed the Anna Livia consortium at any face to face meetings with Dublin Port?
12. Does the Department believe that the board of the port has kept it adequately informed of its bid to build a national conference centre since its first became aware of it in July 2004?

*Grace Cappock  
Press Advisor  
Department of Communications, Marine and Natural Resources,  
Adelaide Road,  
Dublin 2.*

Patrick McHale

---

**From:** Grace Cappock  
**Sent:** 08 April 2005 19:25  
**To:** Patrick McHale  
**Cc:** Fintan O'Brien; Michael Guilfoyle; Owen Duffy  
**Subject:** Indo queries

(8)

**Importance:** High

Patrick,  
Attached please find amended responses from the Minister. These were discussed with Brendan Tuohy.  
Regards,  
Grace



Tom Lyons Queries  
080405.doc

*Grace Cappock  
Press Advisor  
Department of Communications, Marine and Natural Resources,  
Adelaide Road,  
Dublin 2.*

1. When exactly did the Department raise queries with Dublin port about what "facilitating" a private builder in its bid to build the national conference centre means?

**On 1<sup>st</sup> April**

2. Has it received a response?

**Yes, by letter on 7 April 2005.**

3. If it has received a response does the Department consider it adequate?

**It is still being considered.**

4. If it has received a response based on the contents of this does it continue to support the port's bid?

**The Dublin Port Company is a commercial State company and thus makes its own decision on commercial matters. The question of the Department supporting the bid does not arise at the present time.**

5. If it has received a response is it satisfied that the Port has complied with Section 5 and 6 of the Code of Practice for the Governance of state bodies?

**See response Q3 above.**

6. Or does it require more information?

**See response Q3 above.**

7. Has the Department, or does the Department, intend to issue further requests for additional information from the port? If so what?

**See response Q3 above.**

8. If it has not received a response when does it expect to?

**Does not require answer.**

9. If it has not received a response what would it expect this response to contain in order for it to be satisfied?

**Does not require answer.**

10. Does the Minister plan to meet with Dublin Port face to face to discuss the matter?

**There are no plans to meet Dublin Port Company on this issue currently.**

11. To date has the Department discussed the Anna Livia consortium at any face to face meetings with Dublin Port?

**Dublin Port Company states that the matter was discussed at a broad-ranging meeting with Department officials on 23 February 2005. However, the Department officials are clear that there was no discussion of details of the involvement of the Company in the bid for the National Conference Centre which would be relevant from a corporate governance or shareholder perspective.**

12. Does the Department believe that the board of the port has kept it adequately informed of its bid to build a national conference centre since its first became aware of it in July 2004?

**As far as the Department is aware the Dublin Port Company has not made a bid to build a national conference centre.**

**A company, which has bid to be considered for the National Conference Centre, has asked the Dublin Port Company to facilitate that bid by indicating that a site would be available.**

**The principal issue at stake from the point of view of the Department is ensuring compliance by Dublin Port Company with the applicable legislation and Code of Practice. The primary responsibility for complying with the Code is a matter for the Chairman and the Board and, in the event of a joint venture the Minister's approval is required along with the consent of the Minister for Finance. In the case of a disposal of assets the provisions of the Code and of the Harbours Acts 1996 and 2000 apply.**

1. When exactly did the Department raise queries with Dublin port about what "facilitating" a private builder in its bid to build the national conference centre means?

**On 1 April 2005, on foot of a press query, the Department asked Dublin Port Company for "a clear statement of what "facilitating" means".**

2. Has it received a response?

**Yes, by letter on 7 April 2005.**

3. If it has received a response does the Department consider it adequate?

**The Department is considering the letter of 7 April and it may have further enquiries of Dublin Port Company following consideration of the information provided to it by the Company to date.**

4. If it has received a response based on the contents of this does it continue to support the port's bid?

**Please see the answer to 3 above. The question of the Department supporting the bid does not arise at the present time.**

5. If it has received a response is it satisfied that the Port has complied with Section 5 and 6 of the Code of Practice for the Governance of state bodies?

**Compliance with the Code of Practice for the Governance of State Bodies is a matter for Dublin Port Company. The company has assured the Department that it has complied with and will continue to comply with the Code.**

6. Or does it require more information?

**This is under consideration at present.**

7. Has the Department, or does the Department, intend to issue further requests for additional information from the port? If so what?

The Department may wish to obtain further information from Dublin Port Company when it has considered the response of the Company.

8. If it has not received a response when does it expect to?

**A response has been received.**

9. If it has not received a response what would it expect this response to contain in order for it to be satisfied?

**A response has been received.**

10. Does the Minister plan to meet with Dublin Port face to face to discuss the matter?

**The issue does not arise until the letter from the Company of 7 April is first considered.**

11. To date has the Department discussed the Anna Livia consortium at any face to face meetings with Dublin Port?

**Dublin Port Company states that the matter was discussed at a broad-ranging meeting with Department officials on 23 February 2005. However, the Department officials are clear that there was no discussion of details of the involvement of the Company in the bid for the National Conference Centre which would be relevant from a corporate governance or shareholder perspective.**

12. Does the Department believe that the board of the port has kept it adequately informed of its bid to build a national conference centre since its first became aware of it in July 2004?

**The principal issue at stake from the point of view of the Department is ensuring compliance by Dublin Port Company with the applicable legislation and Code of Practice. The primary responsibility for complying with the Code is a matter for the Chairman and the Board and, in the event of a joint venture the Minister's approval is required along with the consent of the Minister for Finance. In the case of a disposal of assets the provisions of the Code and of the Harbours Acts 1996 and 2000 apply.**

**DRAFT**

**Response in anticipation of Press Query re Dublin Port Company's role in  
facilitating a bid for a National Conference Centre**

9

The Department has received a letter dated 7 April 2005 from Dublin Port Company in response to its request for information regarding the role of the company in facilitating a consortium in the tendering process for the National Conference Centre.

The Department has noted the company's clarification of the extent of its role and its confirmation of adherence to the Code of Practice for the Governance of State Bodies.

The Department is not seeking any further clarification from the company at this time.

Comarsáid,  
Acmhainní Náúúrtha  
Baile Átha Cliath 2.



Department of Communications,  
Marine and Natural Resources  
Dublin 2.

~~9~~  
10

Mr. Enda Connellan  
Chief Executive  
Dublin Port Company  
Port Centre  
Alexandra Road  
Dublin 1

18 April 2005

Dear Enda,

I refer to your letter of 7 April 2005 in response to the Department's requests for information of 23 March and 1 April regarding the role of the company in facilitating a consortium in the tendering process for the National Conference Centre.

The Department has noted the contents of your letter and the company's confirmation of adherence to the Code of Practice for the Governance of State Bodies.

Yours sincerely,

Michael Guilfoyle  
Assistant Secretary

12

Mr Guilfoyle,

I submit replies for your signature to two letters (tabbed) from Dublin Port Company, following recent press queries about company's role in facilitating a bid for a National Conference Centre.

I also submit a draft response to anticipated further press queries.

*Fintan O'Brien*

Fintan O'Brien  
18 April 2005

*no signed letter signed. Before issue please confirm that minutes has approved the approval in the enclosed press query response.*

*Mrs Campbell,  
As discussed, etc.*

*20.4.05*

~~*[Signature]*~~ 18/4/05

PC 3/12

ien

Fintan O'Brien  
20 April 2005 09:42  
Grace Cappock  
Patrick McHale; Catherine Campbell  
Dublin Port's role in facilitating bid for National Conference Centre

(13)

Subject:

Grace,

I attach a draft response in anticipation of further press queries re the above. Can you please confirm that the Minister approves this approach?

Fintan



Draft Dublin  
Response.doc

Grace Cappock has confirmed  
that the Minister approves  
of the approach taken.  
letter issued on 22/04/05 EOK

22/04/05

14

# DUBLIN PORT CO

28<sup>th</sup> April 2005

Mr. M. Guilfoyle,  
Assistant Secretary,  
Department of Communications Marine  
And Natural Resources,  
29-31 Adelaide Road,  
Dublin, 2

*Mr. O. Suijs Discussed  
the subject  
re: house.  
6.5.05  
M 4/5/05*

Dublin Port Company  
Port Centre, Alexandra Road, Dublin 1  
Telephone (353 1) 887 6000, 855 0888  
Fax (353 1) 855 1241  
Web [www.dublinport.ie](http://www.dublinport.ie)

Dear Michael,

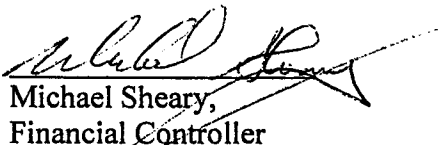
Thank you for your letter dated 18<sup>th</sup> April, 2005 received here on 25<sup>th</sup> April 2005.

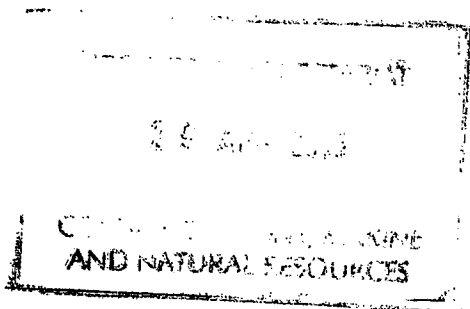
You indicate in your letter that the Department has no record of a discussion relating to the role of Dublin Port Company in facilitating a bid for the National Conference Centre.

I have again reviewed my contemporaneous notes of the meeting on 23<sup>rd</sup> February 2005, which confirm that the Chief Executive did inform the Department officials present of the company's role in facilitating a consortium in the tendering process for the National Conference Centre in the terms outlined in my letter dated 7<sup>th</sup> April 2005.

I can, of course, forward you a copy of the transcript if you so wish.

Yours sincerely,

  
Michael Sheary,  
Financial Controller  
and Company Secretary.



(17)

Hale

Catherine Campbell

13 May 2005 14:44

Patrick McHale

Subject: FW: Material for reply for to Parliamentary

Patrick, reply from Michael Sheary attached. Let me know if you need me to go back to him. Thanks,  
Catherine

-----Original Message-----

**From:** Michael Sheary [mailto:msheary@dublinport.ie]

**Sent:** 13 May 2005 14:40

**To:** Catherine Campbell

**Subject:** RE: Material for reply for to Parliamentary Question

Dear Catherine

I attach a letter from the CEO to P. Mc Hale on 07/04/05. The position remains as outlined in that letter.

It is of course our intention to seek Ministerial consent for any arrangements in this regard.

regards

Michael

-----Original Message-----

**From:** Catherine Campbell [mailto:Catherine.Campbell@dcmnr.gov.ie]

**Sent:** 13 May 2005 10:15

**To:** Michael Sheary

**Subject:** Material for reply for to Parliamentary Question

Dear Michael,

Please find below the text of a parliamentary question received:

To ask the Minister for Communications, Marine and Natural Resources if he will report on the questions raised with the Dublin Port and Docks Board in relation to its decision to facilitate one private consortium (details supplied) in tendering for the national conference centre contract without its going through the normal tendering process and without giving other companies and consortia the opportunity to bid for similar facilitation; if he will further report on the response to such questions; his views on whether the private sale arrangement entered into by the Dublin Port and Docks Board breaches the Code of Practice for the Governance of State Bodies; the action taken or proposed to be taken by him to ensure that proper procedures are followed; and if he will make a statement on the matter.

I would appreciate if you could supply material for reply by close of business today.

Please let me know if you have any questions.

Many thanks

Catherine

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sion has now been requested to come back with a clear plan in around three weeks, detailing how the tax would work, said

tax increases, but some low-cost carriers to Ireland, that would be a significant increase in the fare. "There's a distinct differ-

this would go towards a new fund to help pay for vaccines in the developing world.

## Developer queries use of State site in letter to Dublin Port

Tom Lyons

A LETTER has emerged from a major property development firm to the Dublin Port Company, questioning how State-owned land was made available to a private consortium which is bidding to build the National Conference Centre (NCC).

The letter, dated April 19, was written by John Moran of Manor Park Homes to Dublin Port chief executive Enda Connellan.

Mr Moran is the son of Manor's founder, well-known builder Joe Moran.

"We would be very interested in acquiring, leasing and/or joint venturing with the Port on this land," the Manor Park letter states.

"Had we been aware that the Port would have considered this at the time of the NCC tender, we would have entered the tender," it continues.

"We obviously missed the

public tender announcement for same," it said. The Port represents the major piece of undeveloped brownfield land in Dublin, the letter also states.

"We previously were of the opinion that this land was not available for development purposes and that it was being retained for port-related uses," it added.

Dublin Port contends that it was not required to hold a public tender or shop around among different developers before signing a heads of agreement with Anna Livia.

It maintains that it is merely facilitating the bid, which is led by Bennett Construction — a large and respected construction com-

pany. The Anna Livia consortium is competing against the Spencer Dock consortium in the race for the NCC.

Spencer Dock is backed by property developers Treasury Holdings, businessman Harry Crosbie, and CIÉ.

A number of other potential bidders previously looked at entering the competition to build a NCC, but they have since withdrawn their proposals.

Both Anna Livia and Spencer Dock have recently submitted their proposals to finally build a NCC in Dublin.

These are currently being reviewed by the Office of Public Works.

## its double

Government ministers he wanted borrow more than £2bn to buy of the company on behalf of British newspapers said last Leighton had won a private government pledge to partially privatise the company. However, UK government has repeatedly denied it plans to privatise the business. A Royal spokesman refused to comment.

## camp in business for Irish teenagers

transition year students the tools of the trade.

Starting this summer, the week-long courses teach students business and organisational skills through corporate games and how to present proposals to banks, which will subsequently be judged by professionals.

Managing director of the Alpha Centauri Group, Simone Collie, said it was often too late to train people in some skills when they had become adults.

Designed as a business 'summer camp', Ms Collie said people were "never too young" to start training for the future.

Other skills taught in the €375 week-long course will

be networking, negotiation and presentation skills, she said.

The new initiative comes after some criticism that young people were leaving college without the full knowledge of how to manage money.

Recently financial adviser Eddie Hobbs commented that people had forgotten both the art and necessity of how to budget.

Ms Collie said there was a very strong amount of interest in the courses, saying there had been an "excellent response" from secondary schools. A number of teachers described the training courses as being badly needed, she said.

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### May/June Courses

Financial Awareness	May 19th, 20th
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Assertiveness Skills	24th, 25th
Selling Skills	25th, 26th, 27th

Presentation Skills	June 7th, 8th
Telephone Sales Techniques	9th, 10th
Introduction to Management	13th, 14th
Supervisory Management	13th, 14th
Teambuilding & Leadership	14th, 15th

These courses are also available on a company specific basis



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Irish Independent 16-5-05

Mr. Pat Keane  
Department of Finance

Pat,

Further to our conversation I attach documents on behalf of Fintan O'Brien, for the attention of Paul Byrne, in relation to Dublin Port Company facilitating the bid of a consortium to develop a National Conference Centre.

As discussed this matter is under consideration in the Department and we will let you know the outcome as soon as possible.

*Catherine Campbell*  
Catherine Campbell

19 May 2005

*Letter of 19 May  
faxed to  
D/finance on  
1/6/05.*

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Mr. Pat Keane  
Department of Finance

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1/6/05.*

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Patrick McHale

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**From:** Rory O'Keeffe [rory.okeeffe@opw.ie]  
**Sent:** 03 June 2005 11:05  
**To:** Patrick McHale  
**Cc:** willie.mcintosh@opw.ie; b.mannion@opw.ie  
**Subject:** Key events in NCC Procurement Process



Attachment  
information.



Key Dates in NCC  
Procurement P...

Patrick,

Attached please find a note on some key events in the Procurement Process for the National Conference Centre as discussed with Bernie Mannion yesterday p.m.

Regards,

Rory O'Keeffe,  
Special Project Unit.

Patrick McHale

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**From:** Brendan O'Reilly  
**Sent:** 29 June 2005 09:58  
**To:** Patrick McHale; Fintan O'Brien  
**Subject:** RE: Speech for Minister of State for adjournment debate

Please find attached a transcript of yesterday's adjournment debate.



Port Development  
28.06.05.doc

-----Original Message-----

**From:** Patrick McHale  
**Sent:** 28 June 2005 16:03  
**To:** Carina O'Donoghue; Brendan O'Reilly; Owen Duffy; Jackie Watson  
**Subject:** Speech for Minister of State for adjournment debate

Owen

<< File: Dail Adjournment Debate on National Conference Centre Proposal 280605.doc >>  
Speech for Minister Gallagher for the Dail adjournment this evening.

Patrick


## ^^ Port Development. ^^

**Mr. J. O'Keeffe:** I raise the need for clarification by the Minister of State at the Department of Communications, Marine and Natural Resources, Deputy Gallagher, in the context of his replies to Question No. 180 of 17 May, Questions Nos. 221 and 222 of 24 May and Questions Nos. 247 and 248 of 31 May, of his approval or otherwise of the decision of Dublin Port Company to make a site available without going through the normal tendering process to facilitate a private consortium bidding for the national conference centre contract.

I raise questions and I demand clarification from the Minister of State, arising out of a secret arrangement entered into by Dublin Port Company to provide a site for a private consortium, the Anna Livia Consortium, on which this private consortium has bid for the contract to build the national conference centre.

Dublin Port Company has the Minister for Communications, Marine and Natural Resources as its sole shareholder on behalf of the people of Ireland. The Anna Livia Consortium is a private consortium comprising of Bennett Construction Limited, Kilsaran Concrete Limited and Earlsfort Developments. This secret deal was arranged without any form of competitive tendering process and thus fails to comply with public procurement law and policy. Neither does it comply with the code of practice for the governance of State companies. After I raised the issue in the Dáil by way of a Parliamentary Question, the Minister of State confirmed that his Department had received a letter from Dublin Port Company requesting retrospective approval for its proposals to enter into the arrangement with the consortium in question.

The Minister also confirmed that the proposal of Dublin Port Company provides that in the event of the consortium being successful in its bid for the development of the national conference centre and appropriate planning and other consents being issued in respect of same, Dublin Port Company will



make a site available in order to facilitate the development of the national conference centre together with further and complementary commercial development.

The arrangement entered into by Dublin Port Company, DPC, has been done without running any competitive tendering process. No competition has been run by DPC nor have the principles of Irish and EU public procurement law and policy been adhered to.

DPC is a "contracting entity" within the meaning of article 2 of the EU utilities directive. As such, it is subject to the public procurement law regime set out in the utilities directive. Furthermore, as a State-owned body, DPC is subject to Government guidelines with the most recent being the national public procurement guidelines of 2004 which update the 1994 green book. The guidelines enshrine the principle that competitive tendering should always be used by any public body in awarding a contract unless exceptional circumstances apply.

In response to Parliamentary Questions Nos. 221 and 222 of 31 May, the Minister of State at the Department of Communications, Marine and Natural Resources, Deputy Gallagher, indicated that the Department is concerned to ensure that DPC has complied with "applicable legislation and the code of practice for the governance of State bodies". The code of practice has specific guidelines on the disposal of assets. Section 5.1 provides that where any property with an anticipated value at or above €70,000 is disposed of, it should be by way of auction or competitive tendering process, except in exceptional circumstances, such as a sale to a charitable body. The method used should be both transparent and likely to achieve a fair market-related price.

In the context of the national conference centre, we are talking of significant sums of money. The ballpark figure for the national conference centre will be of the order of €300 million. Ancillary and complementary developments -

depending on the extent - could easily add on another €300 million or more to the overall development project. Clearly in the context of such enormous sums of money, there are huge dangers and temptations, which in the context of more modest amounts, have led to the establishment of tribunals.

At a very minimum it is essential that any involvement by a State-owned company should be in full compliance with public procurement law and policy. At this stage, it is essential for the Minister of State to clarify the position fully. He should furnish details of the alleged non-binding heads of agreement entered into with the private consortium, including date, terms and full details of the lands involved.

I am talking about land values with full zoning and planning permission, which could be of the order of €20 million or €30 million an acre. Approximately four acres are needed for the national conference centre. The Minister indicated that the arrangement with the private consortium also provided for further or complementary commercial developments. Depending on the extent of such complementary commercial development another four acres could be involved.

Therefore, the lands being made available by Dublin Port Company may have a value of more than €200 million. If the bid of the Anna Livia Consortium for the national conference centre is successful, that private group will end up as the only possible purchaser, thus avoiding the competitive tendering process. Inquiries and offers for these lands by a number of other parties have been rejected by Dublin Port Company. Therefore, the arrangement between Dublin Port Company and the Anna Livia Consortium has all the hallmarks of a sweetheart deal, possibly of the Galway races tent variety, since the principals on both sides are well known Fianna Fáil supporters.

The Dáil and the public are entitled to an explanation for the fact that Dublin Port Company has dealt exclusively with one private consortium in respect of

this matter and has failed to give any opportunity to others to tender or to be considered for any such arrangement. The Dáil and the public are also entitled to know why Dublin Port Company only sought ministerial approval for the arrangement after the heads of agreement had been completed and the matter had been raised in the Dáil by me.

At this stage, the Dáil and the public are also entitled to full clarification from the Minister as to whether he approves or otherwise of the activities of Dublin Port Company on this issue. Failure to provide full clarification will certainly fuel speculation as to the real reason for this secret deal and as to how the parties involved hoped to justify such an extraordinary arrangement.

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I thank Deputy Jim O'Keeffe for providing me with this opportunity to report to the House on the background and current position regarding the matter of Dublin Port Company and the Anna Livia Consortium which is one of the candidates for the provision of a national conference centre. The Office of Public Works has provided my Department with an information note on some key events in the procurement process for the national conference centre and it is appropriate to refer to some of these key events by way of background.

In June 2003, the Government agreed in principle to the provision of a national conference centre. In order to facilitate and oversee the process, the Government authorised the Minister for Arts, Sport and Tourism to set up a steering group to include the Chairman of the Office of Public Works and senior representatives of the Department of Finance and Fáilte Ireland. The group was to be chaired by the Secretary General at the Department of Arts, Sport and Tourism and was to be supported, as necessary, by professional expertise, including the National Development Finance Agency.

In November 2003, the steering group approved the placing of advertisements by the Office of Public Works seeking expressions of interest for the provision of a conference centre on a design, build, finance, operate and maintain basis. Responses to the advertisements were received from four candidates in January 2004. Subsequently, tenders from two of these candidates, including the Anna Livia Consortium, were received by the Office of Public Works and are currently being assessed.

On 22 March 2005, the Department received a press query by e-mail regarding the use of land in the ownership of Dublin Port Company in connection with a proposal for the national conference centre. On 23 March, the Department requested Dublin Port Company to provide it with relevant information regarding the proposal. On 1 April, Dublin Port Company replied to the Department stating that it was facilitating a consortium in a tendering process for the national conference centre. On 1 April, the Department requested the company to provide a note setting out the involvement of the company in and implications for the company of, the consortium's proposal and a clear statement of what was meant by the company facilitating the consortium.

On 7 April, the company replied stating that it has been facilitating one of the consortia bidding for the national conference centre in so far as it has consented to the inclusion of a site in the ownership of the company in the submission of the consortium to the Office of Public Works as being potentially a suitable site for the national conference centre. The company stated that it had entered into non-binding heads of agreement with the consortium, that it had not concluded a formal contract with the consortium and that it had not concluded any agreement for the disposal of company assets or to provide access to those assets in favour of any third party.

The principal issue at stake from the point of view of the Department is compliance by the company with the applicable legislation and the code of

practice for the governance of State bodies. The primary responsibility for compliance rests with the company. In this regard, the company has confirmed to the Department that it is adhering to the code of practice. In my reply to Question

No. 180 on 17 May, I stated that based on the information provided to the Department, I had no reason, at that time, to request further information from the company regarding this matter.

On 18 May, the Department received a letter from Dublin Port Company requesting ministerial approval for its proposal to enter into an arrangement with a consortium as detailed in draft heads of terms attached to the letter. The company states that, in essence, the proposal provides that, in the event that the consortium is successful in its bid for the development of the national conference centre and appropriate planning and other consents issue in respect of the national conference centre, Dublin Port Company will make available a site in order to facilitate the development of the national conference centre, together with further and complementary commercial development.


The Department has had a number of consultations with the Department of Finance regarding the application of the code of practice and the legislative provisions relevant to the particular case presented to it by Dublin Port Company. In this context, the two Departments have agreed that it is necessary to seek the advice of the Attorney General on the matter, in particular regarding the process applicable to the proposal by Dublin Port Company to make available to the Anna Livia Consortium a site in order to facilitate the development of the national conference centre together with further and complementary commercial development.

Section to follow:

Section BBB follows.

Text:

[Mr. Gallagher continuing]



I assure the Deputy there is no question of a sweetheart deal. He can be assured this will be dealt with in an open and transparent manner.

**Mr. J. O'Keeffe:** It was not initially.