

2.7 Deputy M.R. Higgins of St. Helier of the Minister for Treasury and Resources regarding whether the Managed Print Service tender process was compromised:

Could the Minister advise whether the managed print service tender process was compromised by one of the competing parties to the tender receiving copies of another participant's tender documents?

Deputy E.J. Noel of St. Lawrence (Assistant Minister for Treasury and Resources - rapporteur):

The tender process was not compromised and the tender documents from one participant were not sent to another participant. On 30th October 2008 after the bidding process had closed, an email containing internal analysis and a high level summary of the information received in relation to a bid was erroneously emailed to another participant. The information was not considered to be of commercial sensitivity and was largely generic and obtainable by other means. The affected party was informed of the erroneous release of the data and in a letter dated 5th November, they confirmed that they did not believe that they would be affected by the release of the data as the bidding process had closed and the evaluation team were making their decision based on that information.

2.7.1 Deputy M.R. Higgins:

Will the Assistant Minister confirm whether the firm concerned, Canon U.K., whose documents were leaked to Danwood or documents were given to Danwood, did consult lawyers and the department had to consult the Law Officers to see whether they were going to have to defend a legal action against Canon?

Deputy E.J. Noel:

Canon U.K. were advised immediately and were asked to consider which steps might be reasonable to be taken to safeguard their position. They sought assurances that the States of Jersey would not propose or allow further bids by the tendering parties. Assurances were given that this would be the case although further clarification on all aspects of their bids would be undertaken. Canon did not raise any further issues and they continued with the process.

2.7.2 Deputy M.R. Higgins:

The Assistant Minister has not answered the question. Did you seek legal advice and did they threaten legal action?

Deputy E.J. Noel:

I have not been briefed on that. I would have to investigate that and get back to the Deputy.

2.7.3 Deputy M. Tadier:

I have a question. I am not sure if I can ask the Attorney General. It is probably not the time to do it but I will ask the Assistant Minister in that case. Following on from the legal advice, did he or the department receive any advice as to when a tender is compromised, as the Deputy is suggesting, that it should be voided and the process should be restarted? Was that ever an option and what legal advice was sought and did it support that view?

Deputy E.J. Noel:

I have already stated that I do not know whether or not legal advice was sought. I am going to have to clarify that.

Deputy M. Tadier:

In that case, will the Assistant Minister make an undertaking to seek that information and circulate it among Members?

Deputy E.J. Noel:

I have already given an undertaking that I would find out if legal advice was taken and report back to the Deputy. I am happy to report back to Members.

2.7.4 Deputy T.A. Vallois of St. Saviour:

Could the Assistant Minister advise what consideration his department has given to the effects on the States of Jersey's reputation in terms of tendering going forward and what steps they are taking to rectify this?

Deputy E.J. Noel:

As soon as this matter came to light, the Chief Internal Auditor and the Treasurer were advised of the error. The party that was potentially damaged by this - although it was discovered that it was not - being Canon U.K., were happy with the solution. I think the Treasury's systems are robust as they are.

2.7.5 Deputy M.R. Higgins:

This whole particular tender process gives me great trouble and I believe should be investigated because not only was this document passed on to one of the competitors but also people who were involved in the evaluation process. Both the first evaluation and the second did not rate Danwood in the top 3 companies that were to be considered. In addition to that, Danwood did not meet the criteria of a company laid down in the tender which was that it should be a manufacturer that the States were dealing with. Will the Assistant Minister reveal all information regarding this tender process to Members so we can be satisfied that it was correctly carried out?

Deputy E.J. Noel:

That is rather a substantial amount of information. What I would suggest is that the Deputy comes into the department and is fully briefed by the procurement team as to the processes. I believe those processes were fair, they were auditable and that they follow best procurement practice.

Deputy M.R. Higgins:

If they had not got rid of the Comptroller and Auditor General, I would put it to him.

Deputy E.J. Noel:

I repeat, I invite the Member to come in and speak to the officers concerned.