

Minutes of the meeting of the

**Health Service Executive Board  
16<sup>th</sup> April, 2007**

**Members present:** L. Downey (Chair), N. Brennan, D. De Buitelir, B. Drumm, (CEO), PJ. Fitzpatrick, J. Macri, E. McCague, J. Murray, A. Scott, and M. Murphy.

**Apologies:** M. Gaffney and M. McLoone

**Attendees:** T. Martin, J. O’Brien, B Gilroy, D. Purcell (Board Secretary).

**Joined the meeting:** Tom Finn, Kevin Feeney (Legal Advisor – A&L Goodbody), Peter Smith (Accenture), Eric Monroe and Niall Rice (Technical and Legal Advisors - Grant Farrell Sparks)

**Time & Location:** HSE – Employers Agency Building, Adelaide Road at 4pm.

Item	Discussion / Comments	Action
1	<p><b>Co-Location of Private Hospitals on Public Hospital Sites</b></p> <p>When introducing this item the Chairman summarised the documentation that had been circulated to Board Members as follows:</p> <ul style="list-style-type: none"> <li>• The letter from M. Scanlan, Secretary General, Department of Health and Children dated 14<sup>th</sup> July, 2005 which set out the policy direction from the Minister.</li> <li>• The summary document prepared by Kevin Feeney (Legal Advisor – A&amp;L Goodbody) in order to support the Board in its consideration of the issue.</li> <li>• The memorandum from Professor Drumm to each Board Member.</li> <li>• The latest draft of the Project Agreement and invitation to tender documents.</li> <li>• The Procurement Process Audit conducted by Peter Smith, Accenture.</li> </ul> <p>Management reported that the co-location project was pursued in accordance with the directive issued to the Board of the HSE by the Minister in July 2005.</p> <p>Management and its professional advisors presented to the Board an outline of the process followed to date, a summary in relation to the</p>	

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	<p>project agreement and the invitation to tender documents and a risk analysis in respect of certain key project issues.</p> <p>The procurement process audit carried out by Peter Smith of Accenture was tabled determining that the HSE had conducted the process to date on this project in a fair and reasonable manner.</p> <p>The Professional advisors confirmed that:</p> <ul style="list-style-type: none"><li>• the evaluation criteria in the ‘invitation to tender document’ was driven by and consistent with the instructions in the policy direction of July 2005.</li><li>• the Steering Group had been guided in its proceedings by the instructions in the policy direction to the Board and were satisfied that all issues were dealt with appropriately.</li><li>• the issuing of the ‘invitation to tender document’ does not materially increase the risk factors in the process. A material change would only arise when a preferred bidder is nominated.</li></ul> <p>The Board requested that the risk analysis matrix circulated would be completed to indicate how the risks identified were being mitigated by management.</p> <p>The Board endorsed the Management recommendation to continue the process at this point with the issuing of the project agreement and invitation to tender documents once two significant issues raised at the meeting were addressed.</p> <p>These were</p> <ul style="list-style-type: none"><li>• the inclusion in the documentation of a restriction on Consultants working on a co-located site having any beneficial interest in the co-located hospital, and</li><li>• confirmation of acceptance by the Minister that the requirements in her policy directive, (set out in the letter of 14<sup>th</sup> July 2005 from the Secretary General), may not be met at this time given the current position in relation to the Consultant Contract talks.</li></ul>	<p><b>John O Brien</b></p>
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The meeting concluded at 7.50p.m.

Signed:

Date:

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Liam Downey  
Chairman

