



**Comptroller and Auditor General
Special Report**

Procurement of vehicles by the Irish Coast Guard

Report of the Comptroller and Auditor General

Procurement of vehicles by the Irish Coast Guard

I have, in accordance with the provisions of Section 9 of the Comptroller and Auditor General (Amendment) Act 1993, carried out an examination of the procurement of vehicles by the Irish Coast Guard.

This report was prepared on the basis of information, documentation and explanations obtained from the Department of Transport. The draft report was sent to the Department. Where appropriate, comments and responses to the draft received from the Department were incorporated in the final version of the report.

The purpose of this report is to examine the use of public resources with respect to the procurement of vehicles by the Irish Coast Guard. The sole focus of this report is on the performance of public bodies, and not on staff members of those bodies or any third parties. For the avoidance of doubt, this report does not make any criticism or comment or present any view, whether express or implied, with respect to staff members of public bodies or third parties, and should not be understood as doing so.

I hereby submit this report for presentation to Dáil Éireann in accordance with Section 11 of the the Comptroller and Auditor General (Amendment) Act 1993.



Seamus McCarthy
Comptroller and Auditor General

14 July 2021

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Summary

Summary

The Coast Guard service is part of the State's emergency response infrastructure, with a remit that includes engaging in the promotion of maritime safety, and in maritime and coastal search and rescue, including cliff rescue.

The Coast Guard operates as a unit within the Department of Transport, staffed by about 86 civil servants who provide administrative support to 44 operational Coast Guard units that are mainly staffed by volunteers. In 2020, the Coast Guard had just under 900 volunteers. 17 of the Coast Guard units perform cliff rescue.

In November 2015, the Department signed a contract for the supply and fit out of vehicles for cliff rescue teams. Under the contract, the Department acquired 18 vehicles between 2016 and 2020, and incurred expenditure of almost €1.4 million. This comprised €809,000 for the supply of the vehicles and a further €568,000 in relation to fit out. The average all-in cost was around €76,500 per vehicle.

Specification of requirements

A number of weaknesses were identified in relation to the specification of requirements.

- Despite the size of the Coast Guard vehicle fleet — about 230 vehicles in all — and the operational importance of the fleet for the provision of the service, a strategic plan for the improvement, management and maintenance of the fleet has not been developed.
- The Coast Guard did not set out in advance why the vehicles purchased were needed operationally; the number of vehicles and the type and functionality required; or how the procurement would be accommodated within the available budgets and over what time frame.
- There was no evidence that the views and advice of the expected users of the vehicles — in this case, the members of the cliff rescue teams — were sought in advance of contracting for the supply of new vehicles.
- The request for tenders published by the Department did not specify a required vehicle carrying capacity (payload), or indicate the weight, dimensions or nature of the equipment to be carried.
- After the contract had been signed, the Coast Guard convened a technical advisory group to assess the vehicles contracted for and to advise on their fit out. Therefore, the group's technical expertise was not used in the evaluation of tenders received.

Because it relies on volunteer drivers, the Coast Guard wished to keep the gross vehicle weight (the combined weight of the vehicle itself plus the payload of team members and gear) of the cliff rescue vehicles below 3,500 kg, so that they could be driven by holders of a category B driving licence. In practice, it would be very difficult to source a vehicle that could deliver the load carrying capacity sought by the Coast Guard for both team members and cliff rescue equipment while not exceeding a gross vehicle weight of 3,500 kg.

Tendering for the vehicles

Because of the legal and technical framework within which public procurement occurs, comprehensive and accurate record keeping is essential. It is consequently unacceptable that there are major gaps in the Department's records in relation to the tendering process for the vehicles, and particularly in relation to the evaluation of bids.

When the tender was advertised, the estimated value of the contract was stated publicly at €160,000. The understatement of the contract value may have discouraged prospective tenderers and served to limit the extent of competition for the business.

Tenders were received from two firms. The records that have been made available for this examination indicate that there were clear and substantial deficiencies in the tender evaluation carried out. As a result, there is no reasonable basis to conclude that the Department conducted a fair and impartial procurement process for the vehicles.

Based on the information that was available, a number of issues were identified in relation to the evaluation of tenders received.

- In evaluating the tenders, half of the evaluation marks were allocated to the 'functionality and suitability for use' of the proposed vehicles. The examination team could not identify any reasonable explanation or rationale for the scores awarded under this criterion.
- A total of 15% of the available marks were allocated for the proposals in relation to fitting out of the vehicles. The request for tenders did not outline sufficient specification detail on what the fit out was to comprise. The examination team could not identify a reasonable basis for the award of marks for this criterion.
- Proposed overall cost accounted for 25% of the evaluation scores. However, the respective cost proposals were not properly evaluated, and it is unclear what the scores awarded are based upon.

Supply and delivery of vehicles

The Coast Guard contracted to purchase a higher-cost vehicle than the vehicle that had been selected in the tender evaluation process. While longer than the vehicle originally proposed at the tender stage, the vehicle contracted for did not offer any additional payload capacity. There is no evidence that the vehicle purchased was ever formally evaluated by the Coast Guard.

Immediately after the contract was signed, issues around the carrying capabilities of the vehicles were identified. A report completed in November 2016 (after the first vehicle was delivered) noted that the vehicle had very limited use for a cliff rescue team. It is not clear whether the Department considered varying or halting the procurement of further vehicles in light of the concerns raised. However, the vehicles were uprated to a higher vehicle weight. The cost associated with the uprating have not been separately identified.

Apart from the uprating work, the cost of fitting out the vehicles was expected to be a significant element of the overall cost. Bidder A estimated that additional costs of €18,340 would be incurred to fit out the vehicles. In the end the Coast Guard spent on average €31,500 per vehicle on the fit out and uprating, bringing the total average all-in cost per vehicle to just under €76,500.

Deployment of vehicles acquired

Of the 18 vehicles purchased, 17 are assigned to units around the coast and are being used as emergency response vehicles. The remaining vehicle is located at the Coast Guard's headquarters. Cliff rescue units continue to rely on multiple vehicles to transport a cliff rescue team and the related equipment to the scene of a call-out.

Improvements in procurement processes

A number of changes to the Department's procurement procedures are required, in particular, in relation to strategic planning for equipment requirements and the enhancement of the Department's processes and procedures governing the management of procurement and the conduct of individual tendering exercises.

This report makes a number of recommendations in that regard, all of which have been accepted by the Department.

Procurement of vehicles by the Irish Coast Guard

Section 1

Introduction

- 1.1** The Irish Coast Guard service is part of the Department of Transport (the Department). A number of vehicles were acquired for the Coast Guard by the Department over the period 2016 to 2020 at a total cost of around €1.4 million. In the statement on internal financial control attached to the 2019 appropriation account for the Transport Vote, the Accounting Officer disclosed that there had been deficiencies in the procurement of the vehicles. The Comptroller and Auditor General decided to undertake an examination of the procurement from a value for money perspective.
- 1.2** The primary objective of procurement by a public body should be to ensure that goods and services of the required type, quality and quantity are purchased in a timely way, and in a manner that complies with relevant public procurement rules. This should result in the achievement of economy in the use of public funds, while also ensuring fairness to all potential interested suppliers.
- 1.3** Procurement by a public body must be carried out in compliance with a legal framework established under EU directives and national rules. In general, the greater the value of the goods and services to be procured, the more complex are the rules to be followed. Combined with the objective of achieving economy in the use of public resources, this legal framework requires public bodies to take a structured approach to their procurement activities, with clear definition of responsibilities for those involved at each stage in the process, and appropriate controls.
- 1.4** There are a number of key stages in the typical procurement of technical goods. These are
- a structured assessment of the business need for a procurement, taking account of the intended use of the goods, and the available budget
 - specification of the required goods to the appropriate level of detail in a public tender
 - objective and fair evaluation of the offers received from the tenderers, from both a technical and cost perspective
 - careful contract negotiation and management, to ensure delivery of the agreed goods on the agreed terms
 - use of the goods for the purposes intended, and to the required intensity.

Focus of this examination

- 1.5** The examination sought to establish
- whether the Department adequately assessed the vehicle requirements prior to commencing the tender process
 - that the procurement process complied with public procurement procedures
 - whether the vehicles supplied were fit for purpose
 - what lessons have been learned by the Department arising from internal reviews of the procurement process.

- 1.6** The examination was undertaken by staff of the Office of the Comptroller and Auditor General, with the assistance of a consultant experienced in fleet management and procurement to assist with technical expertise. This also included a review of the documentation available in relation to the procurement process.

Section 2

Procurement arrangements in the Department

- 2.1** The Coast Guard service is part of the State's emergency response (or 'blue light') infrastructure, with a remit that includes engaging in the promotion of maritime safety, and maritime and coastal search and rescue, including cliff rescue. The Coast Guard's rescue units draw on local volunteers to provide a significant part of its local rescue response capability. The Coast Guard has a total of 44 rescue units, including 17 units that are tasked to undertake cliff rescue functions.
- 2.2** An outline of the Coast Guard's organisational structure is set out in Figure 2.1. Headed by a Director, the Coast Guard operates as a division of the Department and has responsibility for equipping and training the rescue units. The Coast Guard employs 86 staff that are civil servants, and the Director reports to the Assistant Secretary for the Department's Maritime sector management.
- 2.3** The Coast Guard Units and Support section has responsibility for equipping the operating units, including the provision of suitable vehicles. This has to be managed within the available annual budget.

Figure 2.1 The Irish Coast Guard organisation structure, 2020

Departmental staff (civil servants)

- Headquarters in Dublin.
- 86 staff located in offices in Dublin, Malin Head, Valentia and Cork that includes
 - a Director (general service principal officer equivalent grade) who reports to an assistant secretary in the Department
 - six coastal unit sector managers who oversee the 44 rescue units
 - four operations and training officers who provide support to the 44 rescue units.
- In addition to the Departmental staff directly engaged in Coast Guard functions, the Department provides certain corporate support functions to the Coast Guard, such as human resources, general ICT and finance and accounting.

Rescue units (volunteers)

- No Departmental staff are located at rescue units.
- In 2020, the Coast Guard had just under 900 volunteers.
- Rescue unit premises are available to the volunteers for training and storage of equipment in preparation for and attendance at an incident.
- There is a management structure within the volunteers based at a unit including officer in charge, deputy officer in charge, assistant officer in charge, equipment officer, admin officer etc. The officers in charge manage the local units.

Source: Department of Transport

- 2.4 Procurement in the Department is governed by a procurement manual that includes policies and guidance across a range of areas. The Coast Guard must comply with this guidance. It is assisted in its procurement activity by the Maritime Strategy and Governance Division of the Department. The policies and guidance relevant to the procurement of the Coast Guard vehicles are set out in Figure 2.2.

Figure 2.2 Procurement manual

Issue	Policy/guidance
Business case	<p>Approved business case must be lodged in the project file — thresholds set for approval of business cases as follows</p> <ul style="list-style-type: none"> ▪ up to €500,000 — principal officer level ▪ €500,000 but less than €30 million — assistant secretary ▪ over €30 million — secretary general.
Procurement process	<p>Governed by thresholds specified in EU directives and national guidelines.</p>
Specification of requirements	<p>Performance and or functional characteristics of the product or service sought should be set out in language that is clear, concise, logical and unambiguous.</p> <p>Specification must be comprehensive with sufficient information for potential bidders to put a cost on the supplies and/or services required and must set out the criteria for the selection of the successful tenderer.</p>
Tender evaluation	<p>Evaluation criteria must be specified in the invitation to tender and these criteria must be used to evaluate tenders received.</p> <p>The tender evaluation committee/group should complete a signed tender evaluation report, which should be retained on file.</p>
Documentation	<p>The Division must maintain complete records of each stage of the procurement process.</p> <p>The records must detail all decisions made in relation to the contract and must be kept for a period of at least seven years.</p>
Approval of invoices for payment	<p>The Department has adopted the following minimum payment authorisation thresholds</p> <ul style="list-style-type: none"> ▪ up to €50,000: higher executive officer ▪ €50,000 but less than €200,000: assistant principal officer level ▪ over €200,000 with no upper limit: principal officer level.

Source: Extract from procurement manual, Department of Transport

Section 3

Assessment of the vehicle requirements

Strategic fleet management

- 3.1 At the end of 2020, the Coast Guard operated a fleet of about 230 vehicles, most of which are located at the 44 Coast Guard rescue units. Despite the size of the Coast Guard vehicle fleet and its operational importance for the provision of the service, there is no strategic fleet management plan in place.
- 3.2 The Department advised that the average vehicle age within the Coast Guard fleet is around six years. In relation to vehicle replacement policy, the Department has stated that the broad policy is to replace vehicles every 12 to 13 years. However, this may vary for some vehicles based on mechanical appraisal by the Coast Guard's service agent, including the extent of corrosion due for example to use in or near salt water. Typically, vehicles allocated to units without garages, or that are used for the launching of boats on slipways will be disposed of sooner in order to avoid excessive maintenance costs associated with corrosion or required mechanical repair.
- 3.3 Trailers currently used for transport of cliff equipment were originally supplied for transport of quad bikes, which have since been disposed of. The trailers are approximately 17 years old, and there are currently no plans to replace them.

Cliff rescue team requirements

- 3.4 While all of the Coast Guard rescue units carry out coastal searches, 17 of the units also perform an additional cliff rescue function. A standard cliff rescue team must comprise at a minimum seven volunteers, but typically the number of volunteers involved in a cliff rescue ranges between 12 and 15.
- 3.5 In order to transport the team and equipment to the location of a call out, vehicles with a cargo carrying and/or trailer towing capacity are required. Vehicles also require some capability for operating 'off-road', given the terrain in which cliff rescue often takes place. Generally, cliff rescue teams are provided with an all-terrain vehicle, a commercial cargo van, jeeps, and a tractor for launching a boat where required.
- 3.6 The Coast Guard did not prepare a needs assessment report in relation to the vehicle procurement. Such a report would be expected to explain why the vehicles were needed operationally; the type and functionality of the vehicles; the number of vehicles required; how the procurement would be accommodated within the available budgets and over what time frame.

- 3.7** A formal assessment of the technical needs for a fleet replacement strategy would also typically collate the views and advice of the expected users of the vehicles — in this case, the members of the cliff rescue teams. It would also consider the types and performance of vehicles used by other similar ‘blue light’ responder services, and of vehicles deployed in other jurisdictions for similar purposes. There is no documentary evidence that any of this kind of consultation or research was undertaken prior to the issuing of the request for tenders (RFT).
- 3.8** The only documentary evidence of what were the Coast Guard’s identified requirements before the procurement commenced is the vehicle capacity specification included in the RFT published at the end of August 2014. This stated that each vehicle “should be capable of comfortably carrying seven adults and have excellent cargo carrying capabilities at the rear in order to accommodate the carriage of Coast Guard equipment”. The RFT did not specify a required payload capacity, or indicate the weight, dimensions or nature of the equipment set.¹

Determining payload requirements

- 3.9** Following the tender competition, a contract for the supply and fit out of the vehicles was entered into with the successful bidder on 16 November 2015. After the contract had been entered into, on 26 November 2015, the Coast Guard convened a technical advisory group (TAG) to assess the vehicles contracted for and to advise on their fit out.² As a result, the potential technical input and influence of the technical advisory group on the procurement was greatly diminished.
- 3.10** After the contract had been signed, the Coast Guard had two estimates of the required payload for the vehicles.
- An email from the TAG group in November 2015 estimated that the climbing and rescue equipment to be transported to a rescue weighed 900 kg.
 - A report in November 2016 estimated the payload requirement at 1,184 kg, comprising 624 kg for climbing/rescue equipment, and 560 kg for seven volunteers i.e. 7 X 80 kg.³
- 3.11** The gross vehicle weight of a vehicle is the combined weight of the vehicle itself (the ‘kerb’ weight) plus the payload. Typically, vehicles have a design gross vehicle weight i.e. the value specified by the manufacturer as the maximum total loaded weight of the vehicle. Vehicle systems (suspension, brakes, steering, etc.) are designed and calibrated to deal with the design gross vehicle weight. It is neither safe nor legal to use a vehicle in such a way that its actual gross vehicle weight exceeds its design gross vehicle weight.
- 3.12** Because it relies on volunteers, the Coast Guard wished to keep the gross vehicle weight of the cliff rescue vehicles below 3,500 kg in order to ensure that it could be driven by the holder of a category B driving licence. A vehicle with a gross vehicle weight above 3,500 kg would require a higher category licence, resulting in the need for additional training for many Coast Guard volunteers that undertake driving responsibilities. In practice, it would be very difficult to find any vehicle that could provide the extensive capability sought by the Coast Guard (crew and cargo carrying, on and off road) within the desired gross vehicle weight of 3,500 kg.

¹ Payload capacity refers to the maximum amount of weight you can safely add to the vans cargo area in addition to its empty weight (or curb weight).

² The Technical Advisory Group (TAG) comprised a Project Manager and three volunteers from rescue units. See paragraph 5.6.

³ A pilot/prototype vehicle was trialled at a Coast Guard unit. See paragraph 5.7.

Recommendations

Recommendation 3.1

Given the scale and diversity of the Coast Guard's operations, it should have a strategic plan for improvement, management and maintenance of its fleet.

Accounting Officer's response

Agreed.

The Coast Guard has commenced the development of a strategic plan for improvement, management and maintenance of its fleet. Currently there is research being done where a fleet similar to Coast Guard's fleet is in place.

Recommendation 3.2

Given the unusual and specific requirements of the Coast Guard's units, all procurements of equipment should involve technical and user input at the planning stage.

Accounting Officer's response

Agreed.

The Coast Guard procurement manual will be updated to include a requirement that all procurements of equipment should involve technical and user input at the planning stage. The manual currently requires the Coast Guard lead to identify if there is a need for a technical expert when preparing the specifications and clearly state how this technical expert is selected.

Standard operating procedures are also undergoing review and any changes necessary to ensure that all procurements of equipment will involve technical and user input at the planning stage will be made.

In addition, the Department will engage appropriate expertise to review the procedures when developed and ensure they are fit for purpose in the procurement of specialist equipment.

Recommendation 3.3

All significant procurements, including 'pilot' or sample purchases with the potential for significant follow-on procurement, should be based on formal statements of assessment of operational needs.

Accounting Officer's response

Agreed.

The Coast Guard adopted a new procurement manual in November 2020. This requires a formal statement of assessment of operational needs before formulation of a business case.

Standard operating procedures are also undergoing review and any changes necessary to ensure that all significant procurements are based on formal statements of operational needs will be made.

Section 4

Tendering for the vehicles

- 4.1** The process of tendering to procure goods and services for public bodies is complex. It is designed to ensure that all potential and interested suppliers are aware of relevant business opportunities and can compete in a fair way.
- 4.2** On the purchaser's side, a considerable degree of rigour is needed in the process which, if properly adhered to, should ensure that economy is achieved. Inevitably, there is expense on tenderers in preparing bids, and on purchasers in preparing a specification and in running a thorough and impartial evaluation of the bids received.

Approval to tender

- 4.3** The Department does not have any documentary evidence of the decision to go to tender for new vehicles for the cliff rescue teams. It noted that there is no evidence that the procurement of cliff rescue vehicles was discussed at Coast Guard management meetings.
- 4.4** For purchases where the estimated expenditure exceeds the EU threshold for advertisement in the Official Journal of the EU (OJEU), the Department's procedures require confirmation that the budget is in place and that the budget holder has approved the purchase. The Department was unable to provide documentary evidence that the Director of the Coast Guard formally authorised publication of the tender.
- 4.5** The RFT for the supply of cliff rescue vehicles for the Coast Guard was published in the OJEU on 1 September 2014. The closing date for receipt of tenders was 22 October 2014. The tender was advertised on the eTenders website at the same time.

Estimated value of contract

- 4.6** Under EU tendering rules, when a public body is preparing to go to tender, it must make an estimate of the value of the contract. This is required to determine the rules applicable to the procurement procedure, and also serves as a guide to prospective tenderers about the scale of the business offered.
- 4.7** The contract notice that advertised the tender indicated that the estimated value of the contract was €160,000. The notice also referred to an intention to purchase a minimum of four vehicles, with no indication of the maximum or likely number required.
- 4.8** Under the Department's procedures, the Director of the Coast Guard has authority to approve the business case, issue tenders and award a contract for a procurement up to the value of €500,000. Where estimated expenditure exceeds €500,000, the business case requires approval at assistant secretary level.
- 4.9** The Coast Guard subsequently purchased 18 vehicles and incurred expenditure of just under €1.4 million.

Tender evaluation

- 4.10** By the closing date for receipt of tenders (22 October 2014), just two tenders had been received. One of the bidders (bidder A) had previously fitted out vehicles for the Coast Guard.
- 4.11** There was a significant delay in completing the evaluation of the tenders received. The evaluation was completed in September 2015 — almost a year after the closing date. The Department could not provide an explanation for the delay in the evaluation.
- 4.12** The Department was unable to provide the tender evaluation file for review by the examination team. The only records that were available for review were copies of the two tenders received, an unsigned tender evaluation summary score sheet, and a ‘regret’ letter issued to the unsuccessful tenderer.
- 4.13** The RFT noted that the contract for the supply of the vehicles would be awarded on the basis of the ‘most economically advantageous tender’ — a standard approach. The criteria to be used in evaluating the tenders, and the weighting attributed to each, were set out in the request document.
- 4.14** Figure 4.1 sets out the marks awarded to the two tenders, according to the summary score sheet. The evaluation concluded that option 2 from bidder A represented the most economically advantageous tender. Bidder A was selected for award of the contract.

Figure 4.1 Tender evaluation, September 2015

Criteria	Available marks	Bidder A		Bidder B
		Option 1	Option 2	Option 1
Functionality and suitability for Coast Guard use	50	50	49	28
Warranty and customer service support	10	8	10	10
Fit out package (blue lights and storage compartment)	15	15	15	10
Overall cost of proposal	25	15	25	20.5
Total	100	88	99	68.5

Source: Tender evaluation summary sheet (unsigned), Department of Transport

Evaluation of functionality and suitability

- 4.15** Half of the evaluation marks were allocated to the ‘functionality and suitability for use’ of the proposed vehicles. The RFT set out 15 sub-categories for this criterion but did not indicate the marks assigned to each sub-category. A breakdown of the marks awarded is set out at Appendix A. The examination compared the preferred option from Bidder A (option 2) to the option proposed by Bidder B and identified a number of anomalies in relation to the evaluation of the tenders in terms of functionality and suitability.

Marks awarded

- 4.16** Both of the tenders proposed to supply the same basic vehicle brand and model: a Ford Transit L3H3 van.¹ This was available in various configurations to accommodate crew and cargo. Bidder A proposed a cargo variant that would subsequently be fitted out to accommodate the crew members, while bidder B proposed a crew variant, with factory fitted seating, etc. In other technical respects, the vehicles were identical.
- 4.17** The performance, transmission, dimensions and towing capacity were the same in both vehicles. Nevertheless, according to the evaluation summary score sheet, bidder B was awarded significantly less marks across all the functionality and suitability sub-categories — in total, it was awarded 28 marks as compared to 49 for the winning proposal.
- 4.18** The examination team could not identify any reasonable explanation or rationale for the scores awarded. Since both bidders were proposing essentially the same vehicle, it is unclear why bidder B was not awarded the same marks on all of the sub-categories. In fact, given the offer of a factory-fitted crew compartment, it may have been appropriate to have awarded bidder B higher marks in respect of functionality and suitability, because it is normally preferable to have factory fitted configurations as opposed to later third-party conversions/fit outs.

Failure to identify issues in relation to carrying capabilities

- 4.19** While the key objectives of the procurement process was to purchase a vehicle that could carry seven people plus the required equipment and have good off-road capabilities, only four of the 50 available marks were assigned to these categories (i.e. two marks for 'general requirements' and two marks for 'suitability').
- 4.20** The RFT clearly specified that the vehicle proposed should be capable of comfortably carrying seven adults and have excellent cargo carrying capabilities. However, there is no evidence that this criterion was evaluated to the full extent required to accurately establish the required vehicle payload capacity of between 1,184 kg and 1,460 kg allowing for the weight of
- seven passengers (estimated at 560 kg)
 - cliff rescue equipment (estimated variously at 624 kg or 900 kg)
 - van fit out: including structures for securing load and other items such as emergency lights, radios etc. — no estimate was available for the weight of fit out elements.
- 4.21** When the vehicle contracted for was subsequently assessed it was found to have a kerb weight of 3,180kg (see paragraph 5.8).
- 4.22** Achieving the Coast Guard's payload requirements was going to be difficult, if not impossible, with the specification of vehicle evaluated. The failure to determine the payload capacity requirement at the outset and to evaluate the competing vehicle payloads by reference to that as an integral element of the tender evaluation process undermined the likelihood of successful identification and purchase of an appropriate vehicle.

¹ The model numbering (L3H3) refers to the length (L) and height (H) categories of the model variant.

Evaluation of fit out package proposal

- 4.23** The RFT referred to the requirement for a 'blue lights and storage compartment proposal'. This criterion is termed the 'fit out package' in the tender evaluation document provided by the Department. This included items to customise the vehicle for emergency/cliff rescue purposes, like flashing blue lights, a winch, electrical fittings, health and safety features, bespoke equipment storage compartments, etc. A total of 15% of the available marks were allocated for this criterion.
- 4.24** The RFT did not outline sufficient specification detail on what the fit out was to comprise. Bidder A received full marks (i.e. 15) under this criterion. Bidder B received ten marks. The examination team could not identify a reasonable basis for the award of those marks for this criterion. It is not clear how either the quality or cost of the fit-out proposals were evaluated.
- 4.25** Bidder A noted that the conversion specification in the RFT was not detailed enough to price accurately and as a result, the cost proposed by bidder A in relation to the fit out was an estimate based on a previous conversion that it had completed for the Coast Guard. This meant that bidder A had a prior fit-out specification to (re-)price.
- 4.26** The regret letter subsequently issued to Bidder B stated that the fit-out proposal contained in the tender submitted 'would have benefited from additional detail when compared with other submissions'.

Evaluation of cost proposals

- 4.27** A total of 25% of the tender evaluation marks were assigned to the proposed overall cost per vehicle supplied. Accordingly, the RFT required tenderers to supply
- the base cost of the vehicle proposed providing details of the specification of the vehicle
 - a schedule providing costs for optional extras which the Coast Guard may request.
- 4.28** Information in relation to the vehicle supply cost (base cost and optional extras) proposed by the bidders along with the estimated fit out costs are set out in Appendix B.

Elements of cost included in evaluation

- 4.29** Bidder A was proposing to supply a cargo variant vehicle at a cost of €36,927 (base cost plus certain optional extras) per vehicle that would require a substantial crew fit out at an estimated cost of €9,751 per vehicle bringing the total cost for supply of a vehicle capable of carrying seven adults to €46,678.
- 4.30** The vehicle proposed by bidder B at a supply cost of €44,850 (base cost plus optional extras) was a seven-seater factory-built crew cab variant. Nevertheless, bidder A was awarded full marks (i.e. 25 marks) on the overall cost criterion, while bidder B was awarded 20.5 marks. There is no evident basis for the difference in the marks.
- 4.31** When all the proposed costs are aggregated (vehicle supply, extras and fit out), the estimated costs proposed by bidder A were €65,020 per vehicle. This was around 7.7% higher than the equivalent for bidder B (see Appendix B).

Tender evaluation marks notified to bidder B

- 4.32** Before a contract is awarded by a public body, the public body is required to notify each unsuccessful tenderer that their bid has not been successful, and to explain the reasons by reference to the scores awarded to the winning tender. This is intended to allow time for an unsuccessful bidder to appeal the outcome, before a contract is agreed.
- 4.33** The Coast Guard issued such a 'regret' letter to bidder B on 12 October 2015. This examination identified that there were differences in the marks recorded on the (unsigned) tender evaluation sheet and the marks notified to bidder B in relation to one of the criteria — the functionality and suitability criterion.
- 4.34** The evaluation sheet indicates the respective scores (out of 50 available) for functionality and suitability were: 49 for tender A; and 28 for bidder B — a gap of 21 marks. The regret letter stated that the respective scores were: 48 for bidder A; and 33 for bidder B — a gap of 15 marks. There is no documentary evidence available to explain the discrepancy between the score recorded in the summary and those notified to bidder B.
- 4.35** The examination also found that a contract award notice was not published on the eTenders website as is required under public procurement guidelines.

Conclusion and recommendations

- 4.36** Because of the legal and technical framework within which public procurement occurs, comprehensive and accurate record keeping is essential. It is consequently unacceptable that there are major gaps in the Department's records in relation to the tendering process, and particularly in relation to the evaluation of bids. It is not known whether this is because the required evaluation was never properly done, or because records created were subsequently mislaid or destroyed.

Recommendation 4.1

The Department should conduct a review of the adequacy of its procedures and record keeping in relation to procurement and conduct scheduled reviews across a range of contracts, including those concluded by the Coast Guard, to check compliance with specified procedures.

Accounting Officers response

Agreed.

Internal Audit concluded its report on the Coast Guard procurement in March 2020 and implementation of the recommendations were closed in November 2020.

- 4.37** Before a public body advertises an RFT for a substantial procurement, it is important that the procurement strategy is considered and approved at an appropriate level. This serves as an important check on the robustness of the procedures adopted in arriving at the procurement objectives and in specifying the requirements.

- 4.38** The RFT was advertised with an estimated contract value of €160,000, for a minimum of four vehicles. The outturn was the purchase of 18 vehicles at a cost of around €1.4 million. Only two firms submitted tenders. It is likely that the understatement of the contract value discouraged prospective tenderers and served to limit the extent of competition for the business. In addition, the underestimation of the contract value meant that approval for the expenditure was not authorised at the appropriate level.
- 4.39** The records that have been made available for this examination indicate that there were clear and substantial deficiencies in the tender evaluation carried out. As a result, there is no reasonable basis to conclude that the Department conducted a fair and impartial procurement process for the vehicles.
- 4.40** In practice, it would be particularly difficult to source a vehicle that could deliver the extensive load carrying capacity sought by the Coast Guard for both passenger and cliff rescue equipment while not exceeding a gross vehicle weight of 3,500 kg. The evaluation of the tenders does not appear to have identified the fact that the vehicles proposed by both bidders were not capable of carrying seven people within the ideal gross vehicle weight of 3,500 kg, even without the standard cliff rescue equipment.
- 4.41** The end-user requirements of the Coast Guard are specific and specialised. International comparisons with similar organisations can often yield tested and proven solutions. Additionally, for such a specialised and technical set of requirements, it would have been appropriate to appoint a multi-disciplinary project team which included end users and technical experts to help guide the development of the specification and the selection of the appropriate procurement strategy and tender procedure.

Section 5

Supply and delivery of vehicles

- 5.1** On 16 November 2015, the Department contracted with bidder A for the supply and fit out of vehicles. While the contract did not specify the number of vehicles to be purchased, vehicles were ordered in two batches — ten were ordered at the commencement of the contract and were delivered in 2016 and 2017. A further eight vehicles were purchased in 2019 and 2020 under the same contract terms.¹ However, the Department has no documentation in relation to the decision to place the second order.
- 5.2** The total cost of the vehicles was just under €1.4 million. This comprised €809,000 for the supply of the vehicles and a further €568,000 in relation to fit out. The average all in cost was around €76,500 per vehicle.

Change in vehicle type

- 5.3** The signed contract specified the supply of Ford Transit L4H3 vehicles. This was a different model to the one proposed in the tender bid. The vehicle type contracted for was a factory-built crew cab variant (as had been proposed by bidder B), but with a slightly longer body, allowing for a larger cargo compartment by volume. However, the design gross vehicle weight of the L4H3 variant was 3,500 kg. Therefore, the change in the model provided no additional payload capacity.
- 5.4** The contract price for supply of a crew-cab variant L4H3 was €44,949 per vehicle. The following should be noted in relation to the contract price.
- It was around 4% less than bidder A had proposed for the supply of an L3H3 cargo variant and subsequent conversion (a combined €46,678).
 - The agreed contract price was only marginally higher than the L3H3 supply price offered by bidder B i.e. €44,850.
- 5.5** The available records do not provide a basis for the decision to conclude a contract for vehicles that were different from those tendered.

Review of vehicle suitability

- 5.6** On 26 November 2015, after the contract was signed, the Coast Guard established a Technical Advisory Group (TAG) to identify fit-out requirements to bring the vehicles into service. The TAG noted that the climbing equipment in use weighed in the region of 900 kg and that this, combined with the weight of seven volunteers, would likely exceed the vehicle's design gross vehicle weight. The TAG proposed various configuration in order to use the vehicles including using the van for initial deployment of some team members and equipment to an incident (sufficient to allow set up, descent to casualty and rendering of first aid), with the remaining climbing equipment and team members being transported by other vehicles.

¹ The contract was for three years from November 2015 to November 2018 with an option to extend for two periods of 12 months each.

- 5.7** A pilot/prototype vehicle was trialed at a Coast Guard unit. In November 2016, the Officer in Charge of that unit prepared a report on the performance of the vehicle. The report was conclusive about concerns around the payload capacity of the vehicles purchased.
- 5.8** The report noted that the unladen vehicle (i.e. without any occupants or climbing equipment) had a kerb weight of 3,180 kg. With a gross vehicle weight of 3,500 kg and a consequential payload capacity of not more than 320 kg, the report concluded that the vehicle as delivered had very limited use for a cliff rescue team. It is not clear whether the Department considered varying or halting the procurement of further vehicles in light of the concerns raised.
- 5.9** Because of the weight constraint, the Coast Guard, in collaboration with the supplier, decided in December 2016 to up-rate the design gross vehicle weight from 3,500 kg to 4,100 kg in order to increase payload capacity.¹ However, this modification still failed to deliver the required payload capacity — it resulted in a payload capacity of 920 kg as opposed to the required payload estimated between 1,184 kg and 1,460 kg.
- 5.10** The Department has been unable to provide details of the costs incurred in relation to up-rating the vehicles, which is likely to be significant.
- The only invoice provided by the Coast Guard was an invoice for approximately €2,000 per vehicle paid to bidder A which included the costs of up-rating and engineering certification in addition to a range of other modifications in relation to the first ten vehicles delivered. These costs look low by reference to the work typically involved in up-rating a vehicle, in particular, taking account of the other works included on the invoice.
 - There is no reference on other invoices to the incremental cost of the remaining batch of eight vehicles which were supplied (in 2019 and 2020) with a factory-design gross vehicle weight of 4,100 kg.
- 5.11** In addition to the necessary physical modifications, up-rating of a vehicle requires re-certification by an appropriate authority. In this instance, the certification was conducted in the UK for one vehicle, at a cost of €4,200.²
- 5.12** The up-rating of the vehicles to 4,100 kg also had the effect of requiring drivers to hold a category C licence. The Coast Guard noted that some cliff rescue units had a sufficient proportion of drivers in possession of a category C licence. However, additional costs were incurred in obtaining a sufficient number of category C licence holders for other units.

Other fit out costs

- 5.13** Based on previous work done for the Coast Guard, bidder A's tender bid estimated fit out costs of €28,093 per vehicle, (see Appendix B). This included an estimated cost of €9,751 per vehicle for converting the proposed cargo van to a crew cab, which subsequently was not required because the Coast Guard decided to buy the crew cab variant. Excluding that amount, the cost estimated by bidder A for the other elements of the fit out was around €18,340 per vehicle. In the end, the Coast Guard spent on average €31,500 per vehicle on fitting out the crew-cab vehicles. This was 72% more than estimated in the bid, and brought the average cost per vehicle to just under €76,500.

¹ Up-rating (or up-weighting) a vehicle is undertaken to increase the load carrying capacity of the vehicle. In most cases, physical modifications are required because carrying a heavier load requires stronger brakes, better suspension, etc.

² Vehicle certification agency <https://www.vehicle-certification-agency.gov.uk/>.

- 5.14** The quotation for the fit out work provided by bidder A in October 2016 appears more like a workshop job sheet than a formal price quotation. It lists electrical work (supply and fit), health and safety labelling and kit, shelving and cabin fit out, underbody rust proofing and Coast Guard livery. It makes no reference to up-rating of vehicles. The jobs to be carried out are listed, but the items are not individually costed.
- 5.15** In the absence of adequate documentation, it is not possible to conclude on the fit-out costs incurred. However, they seem high when compared to the supply cost of the vehicles and to the estimated fit out costs envisaged at the tender stage.
- 5.16** 'Winch specification' was a significant cost item (€2,526 per vehicle) in bidder A's fit-out price proposal, but this was not included in the actual fit-out specification that was agreed. The Coast Guard could not provide any records of other information in relation to the discussion, costing and agreement of the fit-out specification, or for the significant increase in fit out costs when compared to amounts quoted at the tender stage.

Current arrangements for transport of rescue teams

- 5.17** The Department has stated that the vehicles procured under the contract are currently fulfilling an operational role for the Coast Guard. Of the 18 vehicles purchased, 17 are assigned to units around the coast and are being used as response vehicles with the remaining vehicle located at the Coast Guard's headquarters. The transport of a team and equipment to the location of an emergency is typically split between two jeeps, a trailer and a Ford Transit van. Appendix C provides further information on the vehicles allocated to the 17 units performing cliff rescue as of May 2021.
- 5.18** The Accounting Officer has stated that the vehicles purchased are a considerable improvement on the previous vans in use by cliff rescue teams because of additional carrying capacity, improved storage for equipment, welfare facilities, air-conditioning to dry equipment, additional radios and under chassis sealing. He also noted that cliff rescue teams will continue to rely on multiple vehicle types to respond to cliff incidents.

Conclusions

- 5.19** The Coast Guard contracted to purchase a higher-cost vehicle than the vehicle upon which the tender evaluation was based. There is no evidence that the vehicle purchased was ever formally evaluated by the Coast Guard prior to contract signing. Although longer than the vehicle originally proposed, the van contracted for did not offer any additional payload capacity.
- 5.20** Due to concerns in relation to the carrying capabilities of the vehicles, in December 2016, the Coast Guard in collaboration with the supplier decided to increase the vehicle gross vehicle weight to 4,100 kg. This required up-rating of the ten vehicles already delivered, while the remaining eight vehicles were delivered with a factory design gross vehicle weight of 4,100 kg. However, the increased gross vehicle weight still falls well short of the objective that the van could carry a team of seven people and the required climbing and rescue equipment.
- 5.21** The cost of fitting out of the vehicles was expected to be a significant element of the overall cost. The failure to present a fit out specification in the request for tenders undermined the tender price comparisons.

- 5.22** While it is difficult to conclude on the value achieved for what the Department paid for the fit out, the costs incurred seem high relative to the supply cost of the vehicles and to the fit out costs estimated at the tender stage. In addition, the substantial fit out costs should be considered in the context that the vehicles supplied do not satisfy the requirements of cliff rescue teams due to limitations in payload capacity.
- 5.23** While most of the vehicles purchased have been deployed and are in use with cliff rescue units, the continuing reliance on multiple vehicles to transport a cliff rescue team and the related equipment to the scene of a call-out raises a doubt over the value for money achieved in the procurement of the Ford Transit vehicles. Better analysis before the procurement commenced could easily have identified that delivery of the capability sought in one vehicle presented significant challenges. A more realistic plan for what was achievable could have resulted in the specification of requirements that more suppliers could have responded to. This in turn could have resulted in the achievement of better value for money.

Section 6

Reviews and lessons learned

- 6.1** The Department's Internal Audit unit undertook a review of Coast Guard procurement practices and procedures. Based on findings in respect of a sample of 19 contracts for Coast Guard requirements in the period January 2018 to September 2019, the review, which was finalised in March 2020, concluded that the arrangements in place are for the most part adequate and effective.
- 6.2** The Internal Audit report included a number of recommendations (see Figure 6.1). The recommendations have been grouped into themes for the purpose of this report. The Department has stated that all of the recommendations were implemented by November 2020.

Figure 6.1 Recommendations from Internal Audit report, March 2020

Theme	Recommendation
Policies and procedures	<ul style="list-style-type: none">Development of procurement procedures to govern the acquisition of goods and services for use in the Coast Guard with procedures to be developed by the Coast Guard in conjunction with Marine Services Department (MSD).
	<ul style="list-style-type: none">Appointment of contractors without a competition should be avoided if at all possible.
Procurement procedures	<ul style="list-style-type: none">Tender specifications must include whole of life costs of the requirement and if possible profiled over each year of the contract (including possible contract extensions).
	<ul style="list-style-type: none">Contract planning would be improved by anticipating contract expiry dates and evaluating the performance of the contract in place.
Documentation	<ul style="list-style-type: none">Improvement in the storing of relevant documents on the Finance and Procurement SharePoint site so that documents logically follow the stages in the procurement process.
	<ul style="list-style-type: none">Finance and Procurement SharePoint site would contain a live contracts register so that the Coast Guard has access to important information on contract values, start and end dates, contacts and contract management.
Contract management	<ul style="list-style-type: none">More proactive management of contracts is required.
Evaluation of procurement procedures	<ul style="list-style-type: none">Procurement would be evaluated on conclusion of a contract with the evaluation to review the whole procurement process from identification of need to contract conclusion in order to identify lessons learned that can be disseminated throughout the Coast Guard and, if relevant, the Department.

Source: Department of Transport Internal Audit Unit, Report 2019 — 16 audit of Irish Coast Guard procurement

Departmental review

- 6.3** In August 2020, a newspaper article drew attention to the purchase by the Coast Guard of vans that were unable to carry a full crew and equipment at the same time. This prompted the Department to trigger an ‘escalation of event’ review in accordance with the Department’s deviation and risk management procedures.
- 6.4** The review noted the issue to be investigated as “the procurement of vehicles (supply and fit out) by the Coast Guard for the carriage of climbing equipment and to support cliff rescue operations but which were not suitable for their intended purpose”. The review questions and conclusion reached are set out in Figure 6.2. The review was completed in October 2020.
- 6.5** The review concluded that the corrective action required was implementation of the recommendations set out in the Internal Audit report published in 2020. No further improvements to procurement procedures were identified.

Figure 6.2 Department of Transport review questions and conclusions

Issue	Conclusion
Why are vehicles considered unsuitable for their intended purpose?	<p>The carriage of sufficient equipment and personnel with which to perform cliff rescue operations exceeds the vehicle’s design specification.</p> <p>Further, their use in this regard would be contrary to the requirements of the Road Traffic Acts.</p>
Why doesn’t the chosen vehicle’s design specification reflect the requirements of the vehicle’s intended use?	<p>The RFT proceeded without first ascertaining the operational parameters pertaining to the carriage of cliff rescue equipment/personnel.</p> <p>A vehicle was selected without the apparent participation/assessment of the Technical Advisory Group established to assist in this process.</p> <p>There is information to suggest the decision regarding choice of vehicle may have been informed by perceptions concerning applicable driving licence categories and potential personnel training implications but which may have limited the maximum authorised mass of the model chosen.</p>
Other related concern identified during investigation	<p>The actual vehicle delivered to the Coast Guard was not the same as the vehicle evaluated at the tender evaluation stage.</p>

Source: Coast Guard, escalation of event report, October 2020

Conclusions

- 6.6** A more robust evaluation of the issues arising and of corrective action needed would have identified a number of additional changes that are required to the procurement procedures employed by the Coast Guard. These are set out in Figure 6.3.

Figure 6.3 Changes required to Coast Guard procedures

Issue	Conclusion
Procurement management	<ul style="list-style-type: none"> ▪ Government Procurement Guidelines for Goods and Services should be applied. ▪ Appointment holders should be trained and familiar with conducting a tendering process. ▪ Departments should consider the introduction of a project governance structure which identifies appointment holders and lists responsibilities. ▪ Where technical or specialist expertise is required, personnel with the required skills should be included in a specially convened project team and, in particular should be heavily involved in clear identification of the capability requirements to develop the technical design parameters. ▪ All meetings of the project team should be clearly recorded with minutes filed accordingly. ▪ A key pillar in achieving the appropriate level of governance for all procurement competitions is to ensure compliance with the Government Procurement Guidelines. Each phase of the process must be evaluated and documented while ensuring a chain of evidence is available for all parties to scrutinise.
Strategic planning	<ul style="list-style-type: none"> ▪ A more strategic view of short to long term equipment requirements should be developed based on current and emerging capability requirements of the Coast Guard. This should be a continual process, taking account of personnel, other resources and processes. ▪ Once the capability requirements are clearly articulated, there are a number of approaches that an organisation can consider for their fulfilment. For example, comparisons and review of other similar international models can often yield potential results; and the use of a 'request for proposals' approach issued to the marketplace could quickly identify if the capability can be met or alternatives offered.
Tender process management	<ul style="list-style-type: none"> ▪ Throughout all phases of a tendering process, the procurement manager should satisfy him/herself that the process is clearly delivering the requisite outcomes. Where there is a doubt or potential issue, this should be clearly addressed prior to proceeding to the next phase.

Source: Analysis by Office of the Comptroller and Auditor General

Appendices

Appendix A Breakdown of marks awarded in tender evaluation for functionality and suitability of vehicles for Coast Guard use

	Criteria	Available marks	Bidder A		Bidder B
			Option 1	Option 2	
1	General requirements	2	2	2	1
2	Suitability	2	2	2	1
3	Body style	3	3	3	2
4	Performance	3	3	3	1
5	Transmission	4	4	3	2
6	Dimensions	3	3	3	1
7	Suspension	2	2	2	1
8	Towing capacity	3	3	3	1
9	Wheels/tyres	2	2	2	1
10	Brakes	2	2	2	2
11	Steering	2	2	2	2
12	Electrical	3	3	3	1
13	Interior/exterior features	8	8	8	7
14	Safety	9	9	9	3
15	Colour	2	2	2	2
	Total	50	50	49^a	28^b

Source: Coast Guard, tender evaluation summary sheet (unsigned) and letter to unsuccessful bidder

- Note:
- a The total marks awarded to bidder A in the tender evaluation summary was 49 whereas the total advised in the award letter was 48.
 - b The total marks awarded to bidder B in the tender evaluation summary was 28 whereas the total advised in the regret letter was 33.

Appendix B Relevant cost information included in tender

	Bidder A	Bidder B
Model proposed	Ford Transit L3H3 cargo variant	Ford Transit L3H3 crew cab variant
Cost of vehicle proposed	36,244	42,750
Cost of optional extras selected ^a	683	2,100
Total vehicle cost included in tender evaluation sheet	36,927	44,850
Marks awarded for cost (maximum 25)	25	20.5
Estimated fit out costs included in tender documents^b		
• Electrical specification	12,040	9,700
• Crew cab specification	9,751	—
• Decals and health and safety labels ^c	3,025	—
• Winch specification	2,526	3,406
• Interior and exterior features ^d	751	2,400
Estimated total fit out costs	28,093^e	15,506^f
Estimated total vehicle cost	65,020	60,356

Source: Office of the Comptroller and Auditor General analysis of tenders submitted, Coast Guard tender evaluation summary sheet (unsigned) and regret letter to unsuccessful bidder

- Notes:
- a For both bidders, this includes GPS satellite navigation system and under carriage protection coating. For bidder B it also includes a tow bar and sockets and seatbelts for seven occupants. The tender documentation included prices for a range of other optional extras that were not included in the tender evaluation sheet.
 - b This reflects the price estimates quoted for the required vehicle specification.
 - c Decals relates to specific Coast Guard branding labels. A decal is an image that can be transferred to a surface using heat or water. It is sometimes called a 'transfer' and it consists of a picture, image, pattern, or design that's printed on paper, plastic or cloth.
 - d For bidder A these include, multifunction steering and an alarm. For bidder B these include electric adjustable and heated mirrors, reversing camera and sensors, front and rear fog lights, cruise control, front heated windscreen, alarm and immobilised, auto stop start and a spare wheel.
 - e Bidder A noted that their quotation was based on a previous conversion purchased and the conversion specification in the RFT was not detailed enough to price accurately.
 - f The RFT requested that all prices quoted be inclusive of VAT. It is not clear in some cases from bidder B's tender documents that the prices quoted were inclusive of VAT.

Appendix C Coast Guard cliff rescue unit vehicle deployment at May 2021

Coast Guard unit	Jeep	Van	All-terrain	Tractor	Truck	Total
Achill	3	1	1	1		6
Ballybunion	3	1	1			5
Ballycotton	2	1	1			4
Bonmahon	2	1	1			4
Castletownbere	2	1	1			4
Dingle	2	1	1		1	5
Doolin	3	1	1	1		6
Goleen	3	1	1			5
Greencastle	2	1	1			4
Greystones	3	1	1			5
Howth ^a	3	1				4
Iveragh	4	1	1			6
Killybegs	3	1	1	1		6
Mulroy Bay ^a	3	1	1	1		6
Old Head of Kinsale	3	1	1			5
Toe Head/Glandore	4		1	1		6
Tramore	2	1	1			4
Total	47	16^b	16	5	1	85

Source: Office of the Comptroller and Auditor General

- Notes:
- a These cliff rescue units have Mercedes Sprinter vans and the intention is to replace these with Ford Transit vans.
 - b Vehicles on occasion may be re-assigned between Coast Guard units for operational reasons. Three cliff rescue vehicles are temporarily assigned to Coast Guard units that do not carry out cliff rescue functions — Dunmore East, Glenderry and Greenore. One cliff rescue vehicle is located at the Coast Guard's headquarters and is used for transporting stores around the country.