

# **The Chairman of the Liaison Committee of the Construction Industry**

## **Annual Report for 2019 [- Draft circulated at AGM for approval]**

The Committee comprises representatives of constituent bodies as follows:

The Association of Consulting Engineers of Ireland	-	ACEI
The Construction Industry Federation	-	CIF
Engineers Ireland	-	EI
The Royal Institute of Architects of Ireland	-	RIAI
The Society of Chartered Surveyors Ireland	-	SCSI

### **1. Meetings**

The Committee met on seven occasions, and all meetings were well attended.

### **2. Election of Officers**

At its Annual General Meeting on 15 January 2019, Toal Ó Muiré was nominated by the RIAI to the Chair for 2019. He was elected unopposed, in succession to Mark McGreevy the 2018 Chair.

Alison Irving, who had been the 2018 Treasurer was proposed by Toal Ó Muiré to continue in that role. She was also elected unopposed.

### **3. Impact of revised LC Terms of Reference**

Following agreement between the constituent bodies in 2018 on revised Terms of Reference for the Liaison Committee, previous difficulties in this regard were absent in 2019. A diligent and collaborative spirit was evident in how the Committee and its Sub-Committees set about their work in an atmosphere of goodwill. The Committee thanks Mark McGreevy and the Sub-Group which he led for their role in bringing about this improvement; and thanks the CEOs of the constituent bodies for the leadership which they provided.

### **4. Edits Subcommittee and VAT**

The work of the Subcommittee under the Chairmanship of Liam Boylan was concluded, with agreement by the Subcommittee and Committee of the remaining seven Edits, including that relating to VAT. The Committee thanks Liam Boylan for his work in finalising these updates before his retirement as Chairman.

## **5. Edits Subcommittee and 2019 Draft RIAI Yellow Form**

Mark McGreevy succeeded Liam Boylan as Chair of the Subcommittee. The RIAI circulated -- on a confidential basis -- the 2019 Draft Yellow Form, which incorporates some significant changes in order to meet the needs and wants of the building industry and its clients, and to reflect best practice. Review of this draft Form began under Mark McGreevy's Chairmanship at the Subcommittee meeting on 23 August 2019: that was the first of four meetings held in 2019.

The members of the Subcommittee for 2019, following its reconstitution for the new agenda, were as follows:

ACEI/EI	Eddie Comerford, Joe Hogan, Gerard Monaghan
CIF	Alison Irving, John Kelly, Martin Lang, Mel O'Reilly
RIAI	Niall Meagher, Joe Miller, Eilis O'Donnell, James O'Donoghue, Toal Ó Muiré
SCSI	Liam Boylan, Dermot Durack, Mark McGreevy (Chair/Convenor)

The structure of the RIAI Form has been rethought in the 2019 Draft, so that the sequence and numbering is thematic, replacing the ad hoc numbering used in the Yellow Form for decades past.

It was agreed that discussion in the Subcommittee would not be minuted, and that Denise Tuffy would prepare action notes after each meeting which would also list the items listed by the Chairman for discussion at the following meeting. It was also agreed that task groups could also be formed to address specific issues such as insurances, and report accordingly to the Subcommittee.

The RIAI also prepared at the outset an Explanatory Note, which was bound together with the latest edit of the Yellow Form itself. After each Subcommittee meeting, the RIAI prepared updated edits of the Form and of the Note, highlighting draft changes for circulation and review at the following meeting of the Subcommittee.

Meeting of the Subcommittee are continuing in January 2020, with a view to obtaining an interim edit of the Draft 2020 Yellow Form and Explanatory Note from the RIAI's Legal Advisors, in a form suitable to be circulated in the Liaison Committee.

At year end, a number of Schedules and appendices remain to be discussed, including Collateral Warranties. Mark McGreevy, as Chair/Convenor, has set a demanding but achievable pace for the Subcommittee's work and discussion; and the momentum which this has generated is invigorating so that, as Chairman and as an RIAI representative, I look forward to helping to conclude the work of the Subcommittee in 2020.

## **6. Code of Practice on Tendering and Contractual Matters**

Work to complete the 2018 version of the Code was concluded during 2019 by Alison Irving and Joe Miller, for publication on the Liaison Committee website. That work consisted of correcting elements of the 2006 Code which had been overtaken by events (mainly new and updated legislation) and by other publications.

The 2019 version of the Code was almost concluded during 2019 by Danyal Ibrahim and Alison Irving, and this is expected to be finalised early in 2020. That version is intended to be published in hard copy, and made available as it has been traditionally, for students as well as for practitioners. It will also eventually be available online.

The Committee thanks Danyal and Alison for their work on the Code, and wishes Dan well in his travels in 2020.

## **7. Updating of the Liaison Committee website**

The Committee thanks Danyal and Alison for their work on the LC website, which has been updated also.

## **8. Brexit**

The Committee was conscious, all through 2019 as through earlier years, of the looming threats of Brexit, and of the uncertainties for the construction industry in Ireland which continued at the end of 2019. The UK Government now has a parliamentary majority which will make it easier to conclude the Brexit Withdrawal Agreement between the EU and the UK, and allow negotiations to begin on an EU-UK Trade Agreement.

New uncertainties arise from the ambitious (perhaps unattainable) one-year timeframe in which the UK Government says it aims to conclude this in 2020. Because it is silent on most or all of what it seeks for trade in services, including construction services, there is a serious (but unquantifiable) risk to supply chains in which the members of all LC constituent bodies are engaged.

During 2019, the Committee also considered the difficulties which those same member have in securing and maintaining Professional Indemnity (PI) Insurance, and those difficulties seem likely to continue in 2020.

## **9. Secretariat**

The secretariat was provided by the CIF in the person of Denise Tuffy, who did great work during the year; not only in preparing and circulating the agenda and minutes for each meeting of the main Committee, but in doing likewise for the Edits Sub-Committee.

She and Alison Irving were diligent in attending to the needs of the Committee, and I thank her for all her assistance during my term, and commend her for the quality of her work generally.

## **10. Conclusion**

I also thank all members of the Committee for their help and support during the year and I wish the new Chairman, Gerard Monaghan, every success in 2020.

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Toal Ó Muiré, Chairman

### Liaison Committee members 2019

#### **EI/ACEI**

Eddie Comerford  
Joe Hogan  
Gerard Monaghan  
Damien Owens

#### **CIF**

John Curtin  
Alison Irving  
John Kelly  
Mel O'Reilly

#### **RIAI**

Danyal Ibrahim  
Joe Miller  
James O'Donoghue  
Toal Ó Muiré

#### **SCSI**

Liam Boylan  
Dermot Durack  
Mark McGreevy  
Una Merriman