

Rùnaire a' Chaibineit airson Ceartas agus Seann-ghaisgich  
Cabinet Secretary for Justice and Veterans  
Keith Brown MSP



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Richard Leonard MSP  
Convener  
Public Audit Committee  
Scottish Parliament  
Edinburgh  
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18 October 2022

Dear Convener

### **New vessels for the Clyde and Hebrides: Arrangements to deliver vessels 801 and 802**

Thank you for your letter of 29 September concerning the delivery of vessels 801 and 802. You have asked a number of questions and I have addressed each of these in turn.

### **In advance of Mr Mackay going on annual leave, what information did he share with you, either orally or in writing, about the status of the procurement of the ferry vessels and whether he raised any concerns with you on this issue?**

While Mr MacKay was on leave, on 20 August 2015, I received a written submission from Transport Scotland officials to consider the recommendation for the award of contract for vessels 801 and 802 by CMAL to FMEL.

### **What direct action did you take, as the Cabinet Secretary responsible for ferry services, upon reading the detail of CMAL's concerns?**

The detail of CMAL's concerns were set out in the briefing of 8 October 2015, with advice on how those risks could be mitigated.

On 9 October 2015, Mr Mackay approved the contract award and recommended mitigation measures. As a result no further action was required from me.

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**The Committee notes that your responsibilities as Cabinet Secretary for Infrastructure, Investment and Cities during 2015 included ferry services. The Committee would be grateful if you could confirm whether Mr Mackay, in his role as the supporting Minister for Transport and Islands—**

- highlighted any concerns to you about the ability of shipyards tendering for the contract, to provide a full Builders Refund Guarantee, between February and August 2015, either orally or in writing.**
- made you aware of correspondence received from Stuart McMillan MSP regarding the procurement process for ferry contracts and his subsequent response.**

The briefing of 20 August 2015 was the first notification that I received that there were potential issues around the level of guarantees that FMEL could provide.

The correspondence received from Mr McMillan was addressed to the Deputy First Minister and allocated to Mr MacKay for a response as the responsible Minister. In keeping with routine corporate processes I was not sighted on the correspondence.

I trust the information provided is helpful.

**KEITH BROWN**

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