



An Roinn Gnóthaí Eachtracha
Department of Foreign Affairs

Mr Joe Kenny
Zeeko Ltd

Our Ref: Fol/Req/21/181

Date 20 October 2021

Dear Mr Kenny

I refer to the request which you have made under the Freedom of Information Act 2014 for access to records held by this Department, as follows:

Copies of the following information re RFT 191933 : 1 Provision of the Blue Star Voluntary Education Programme for Primary Schools, 2021 - 2024:

- 1) Copies of tender applications
- 2) Names of members of evaluation committee
- 3) Copy of the procedure used by the evaluation committee to control for bias
- 4) Members of previous evaluation committees who evaluated the previous Blue Star Tenders in 2018, 2015, 2013 and 2011.
- 5) Scoring sheets with evaluation criteria used to inform applicant scores (as detailed in "Zeeko Scores.xlsx")

I have identified 21 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant/part-grant/refuse these records as per schedule attached.

Where access has been refused, the records are exempt from release under section 29 (Deliberations of FOI Bodies), section 36 (Commercially Sensitive Information), and section 37 (Personal Information) of the FOI Act.

As outlined in the schedule attached, I have made a decision to refuse records 1 – 16, and to redact parts of record 21, under section 36 (1) (b) and Section 36 (1) (c) (Commercially sensitive information) of the Act, which states that;

"a head shall refuse to grant an FOI request if the record concerned contains—

(b) financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates, or could prejudice the competitive position of that person in the conduct of his or her profession or business or otherwise in his or her occupation, or

(c) information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.”

Under section 36, I am obliged to consider whether the public interest would be better served by the release rather than the refusal of the records concerned. I am of the view that there would be no public interest value in releasing these records.

I am refusing records 4,12 and 13, and redacting part of record 17 under section 37 (1) (personal information) of the FOI Act which states that;

“a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information”

The information contained in these records is personal information. In my opinion there is no public interest value in their release.

I am redacting parts of record 21 under section 29 (1) (a) (deliberations of FOI bodies) of the FOI Act which states that;

“A head may refuse to grant an FOI request—

(a) if the record concerned contains matter relating to the deliberative processes of an FOI body (including opinions, advice, recommendations, and the results of consultations, considered by the body, the head of the body, or a member of the body or of the staff of the body for the purpose of those processes), and

The redacted parts of record 21 contain such “opinions. . .recommendations and. . .results of consultations. . .” and in my view their release would be contrary to the public interest.

In answer to the specific wording of your request, please note the following;

In regard to question 1 I have refused access to the copies of the tender documents submitted by the two other tenderers for reasons of commercial sensitivity.

In regard to questions 2 and 4 I have created a record listing the members of the evaluation committees who evaluated the previous Blue Star Tenders which were held in 2011, 2014, 2017 and 2022. The names of Departmental officials who participated are included. The names of external persons who took part in the 2011 and 2014 evaluations have been redacted as they provide personal information of those persons concerned.

In regard to question 3 regarding advice to the evaluation committee, the three relevant documents are being released.

In regard to question 5 I have provided the Scoring Sheet for the 2022 Tender. The name of the highest scoring tenderer is redacted under the deliberative process exemption as the contract is presently being finalized. The name and scores of the lowest scoring tenderer have been redacted for reasons of commercial sensitivity .

Right of Appeal

Should you wish to appeal this decision, you may do so in writing to the Freedom of Information Unit, Department of Foreign Affairs and Trade, 76-78 Harcourt Street, Dublin 2 or by email to foi@dfa.ie. A fee applies for an appeal for access to non-personal information; the level of this fee has been set at €30, (€10 for medical card holders). A copy of the medical card should be provided to avail of the reduced fee. For methods of payment, please contact FOI Unit at foi@dfa.ie, or 01-4082618.

You should make your appeal within 4 weeks (20 working days) from the date of this notification. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this Department.

Yours sincerely

Stephen Ryan