



19th September 2019



FOI Response: IE_FOI_278

Dear 

I refer to the request which you made under the Freedom of Information Act 2014 for records held by this body:

- 1) Successful Tender:
- 2) Successful Tender Award Figure:
- 3) Successful Tenders Credit Rating:
- 3) Successful Tenders Turnover:
- 4) Does Irish Rail have asbestos protocol guidance in place?
(Please see attached guidance document which is accepted in the public sector as best practice to follow when removing asbestos.
- 5) Has an OPW Approved Specialist Contractor been appointed onto the framework agreement?
- 5) Will an OPW Approved Specialist Contractor be appointed to remove the asbestos on the running sheds?
- 6) On completion of the asbestos removal works will the buildings be Air-Monitored and Certified for Safe Re-Occupation by an INAB Accredited Asbestos Consultancy operating to ISO 17025 (Testing)
- 7) Was our method statement submitted at tender stage accessed internally or by an external consultant?

I Mr Louis Gilvarry, Decision Maker have now made a final decision to partially grant your request on 17th September 2019.

You have sought access to the records outlined above and I consider this an appropriate form of access in this case. Accordingly a copy of the records is now enclosed including a copy of the schedule to these records.

In the event that you are not happy with this decision you can make an appeal in relation to this matter, you can do so in writing to the FOI Unit, Corporate Communications, Iarnród Éireann – Irish Rail, Connolly Station, Amiens Street, Dublin 1 or by email to FOI@irishrail.ie. You should make this appeal within 4 weeks (20 working days) from the date of this notification, were a day is defined as a working day excluding, the weekend and public holidays, 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 body.

Should you have any questions or concerns regarding the above, please contact the FOI officer on 01 7034293.

Kind Regards,

Louis Gilvarry

Decision Maker

Responses to FOI 278

The following is a response to the queries raised;

1. The name of the successful tenderer was Total Highway Maintenance Limited, Killaree, Threecastles, County Kilkenny. I understand this was already advised to you by letter on 1st July 2019
2. Iarnród Éireann shall not be disclosing the award value as it is considered commercially sensitive. And as such are invoking the exemption Section 36 – Commercially Sensitive information subsection(C).
3. Iarnród Éireann do not monitor credit ratings for tenderers, we do have access to independent financial monitoring sites that are available in the public domain via a subscription service which may be used to verify the details provided at Pre-qualification stage. Note the turnover provided by the successful tenderer exceeded that set in the pre-qualification phase of this competition which was €2,000,000 per annum and copies of audited accounts were provided to verify this.
4. The treatment of any Asbestos is handed on a case by case basis taking into account the particulars of the application, in this case the specification outlined the requirements of tenderers with regard to their management of the site and treatment of the asbestos roof and walls
“As a large portion of the demolition works involves the removal of cement asbestos sheeting from the roof and a small amount from the walls the contractor should allow for the preparation of a detailed method statement as to how this work is going to be undertaken This method statement should address how the operatives undertaking the work are to be protected, how Irish Rail Employees and other personnel working in the general area are to be protected and how the general public are to be protected. The method statement should address how the sheets are to be removed in a safe manner, brought to ground, bagged or otherwise sealed and transported to a safe designated area from which they are removed off site to be disposed in an environmentally friendly manner”
5. Iarnród Éireann –Irish Rail “IE” does not have to appoint an OPW approved specialist contractor as IE premises do not come under the remit of the Office of Public Works.
6. See answer 5 above.
7. The evaluation of responses to this tender was undertaken by an evaluation panel including both internal and external resources, the external resource was Conor McCarthy and Associates Consulting Engineers and Project Managers. The internal resources were the Infrastructure Building and Facilities Manager, Chief Mechanical Engineers Department Facilities Project Manager, Chief Civil Engineers Safety Manager consultant and the process was overseen by a Procurement Department Executive who is a non-scoring member of the evaluation panel.

Schedule of Records for IE_FOI_278: Summary for Decision Making

Record No.	Date of Record	Brief Description	No. of Pages	Decision: Grant/Part Grant/Refuse	Section of Act if applicable	Record Edited/Identify Deletions
1	13.09.19	Responses to FOI 278	1	Part Grant	Section 36 (b)	Item 2 Award value withheld as this is considered commercially sensitive

Signed.....

Date