

Chief Executive
2 Franklin Street
BELFAST
BT2 8DQ

Tel: 028 9536 3863
Email: FOI.BSO@hscni.net

15th July 2020

BY EMAIL



Our Ref: FOI 1270

Dear 

Your request for information was received on 24th June 2020 and was dealt with under the terms of the Freedom of Information Act 2000. Please be advised that the Business Services Organisation (BSO) has now completed its search for the information you requested with regards to Tender 270229 (Benchtop Blood Gas Analysis Tender).

I can advise that, as this is a live tender, BSO has determined to release the requested information at this time may prejudice the tendering process. The information you have requested is considered exempt from disclosure under Sections 36 and 43 of the Freedom of Information Act, as doing so could damage the tendering process. Section 43 of the Freedom of Information Act is a qualified exemption and is therefore subject to the Public Interest Test, a copy of which is attached for your information.

Please see below for a reference to the Office of Government Commence (OGC) in its Policy and Guidance relating to Freedom of Information requests, during the lifecycle of procurement, for the following working assumption for such requests:



3. Tender information (release of tender documents up to selection of preferred bidder)

Item	Information type	Discussion	Working Assumption decision
1	All project management documentation	This covers the typical documentation generated during management of selection when run as a project (e.g. Prince 2 products). Demonstrates procurement was properly managed, but release during tendering could damage process.	Not to be released in phase. Disclose when contract let (Section 43)

I hope that the information provided assists you. If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter.

In the event that you require a review to be undertaken, you can do so by writing to

Information Governance Manager,
2 Franklin Street,
Belfast,
BT2 8DQ

If, following an internal review, carried out by an independent decision making panel, you remain dissatisfied in any way with the handling of the request, you may make a complaint under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the BSO has complied with the terms of the Freedom of Information Act.

You can contact Information Commissioner at:

Website: www.ico.org.uk
Phone: 0303 123 1113
Email: casework@ico.org.uk
Post: Information Commissioner's Office
3rd Floor, 14 Cromac Place
Belfast
BT7 2JB

In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out. However the Commissioner has the option to investigate the matter at his discretion.

Yours Sincerely,

A handwritten signature in cursive script that reads "Karen Bailey".

Karen Bailey
Acting Chief Executive

Public Interest Test

Public Interest Test Information you requested with regards to the tender of Benchtop Blood Gas Analysis

Exemption claimed in respect of Section 43(2) of the Freedom of Information Act 2000 (Commercial Interests) and 36(2)(b)(ii) of the freedom of Information Act 2000 (Prejudicial to the conduct of public affairs)

In favour of disclosure of information	In favour of not disclosing information
Details of public service procurement processes require openness, transparency and accountability.	To publicly release the information sought would be likely to damage the tendering process, thereby prejudicing the commercial interests of the BSO and its client organisations.
	Disclosure would be likely to prejudice the tendering process and give unfair advantage to some suppliers. To provide the information sought would be likely to cause significant harm to the commercial interests of any other parties involved in the process