

Schedule 2.2 (a)(ii)

via email: Schedule 2.2 (a)(ii)

Dear Schedule 2.2 (a)(ii)

## FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by Major Projects Canberra (MPC) on 18 November 2020, in which you sought access to:

*In relation to the Campbell School Procurement, Manteena seeks access to:*

### **Campbell School Procurement**

(a) *The following documents relating to Manteena's expression of interest dated 27 August 2019, tender dated 23 January 2020 and best and final offer tender dated 5 May 2020:*

- i. *Correspondence (including emails, letters, text messages etc), diary notes, file notes or other records of conversations (including by phone) and minutes of meetings between any of the following (final versions not including drafts):*
  - *Major Projects Canberra and its staff including officers, employees, contractors and agents, including but not limited to members of the Tender Evaluation Team;*
  - *The ACT Education Directorate and its staff including officers, employees, contractors and agents, including but not limited to the Executive Branch Manager – Infrastructure and Capital Works, the Executive Group Manager – Business Services and the Director-General, including any persons acting in those roles;*
  - *External organisations, consultants and contractors with which Major Projects Canberra and the ACT Education Directorate consulted or otherwise engaged;*
  - *The Minister for Education and Early Childhood Development, and their staff including officers, employees, contractors and agents;*
- ii. *Documents (final versions not including drafts) including but not limited to briefs, de-briefs, evaluation reports, assessments, reviews, memoranda or the like prepared by the ACT Education Directorate and / or Major Projects Canberra;*

(b) *Any documents (final versions not including drafts) relating to the decision by the ACT Education Directorate and / or Major Projects Canberra to introduce the Best and Final Offer Request for Tender into the tender process;*

(c) *Any documents (including drafts) relating to the recommendations of the ACT Education Directorate and / or Major Projects Canberra regarding the preferred tenderer;*

(d) ) Any documents (**including drafts**) relating to the decision by the Director-General of the ACT Education Directorate or responsible delegate to:

- i. Award the contract to Lendlease;
- ii. To not award the contract to Manteena;

(e) Any documents (**final versions not including drafts**) relating to the decision for the tender debrief to be provided by the ACT Education Directorate to Manteena without Major Projects Canberra's involvement or attendance.

### **Throsby School Procurement**

(a) The following documents relating to Manteena's expression of interest dated 12 September 2019 and tender dated 12 March 2020:

- i. Correspondence (including emails, letters, text messages etc), diary notes, file notes or other records of conversations (including by phone) and minutes of meetings between any of the following (**final versions not including drafts**):
  - Major Projects Canberra and its staff including officers, employees, contractors and agents, including but not limited to members of the Tender Evaluation Team;
  - The ACT Education Directorate and its staff including officers, employees, contractors and agents, including but not limited to the Executive Branch Manager – Infrastructure and Capital Works, the Executive Group Manager – Business Services and the Director-General, including any persons acting in those roles;
  - External organisations, consultants and contractors with which Major Projects Canberra and the ACT Education Directorate consulted or otherwise engaged; and
  - The Minister for Education and Early Childhood Development, and her staff including officers, employees, contractors and agents.
- ii. Documents (**final versions not including drafts**) including but not limited to briefs, de-briefs, evaluation reports, assessments, reviews, memoranda or the like prepared by the ACT Education Directorate and / or Major Projects Canberra;

(b) Any documents (**including drafts**) relating to the recommendations of the ACT Education Directorate and / or Major Projects Canberra regarding the preferred tenderer; and

(c) Any documents (**including drafts**) relating to the decision by the Director-General of the ACT Education Directorate or responsible delegate to:

- i. Award the contract to Icon SI; and
- ii. To not award the contract to Manteena.

On 12 February 2021, I made a decision in relation to this access request, advising that one hundred and seventy-nine (179) documents were found to be within the scope of the request.

I wish to advise that we were recently notified of four (4) additional documents which were located that fall within the scope. We sincerely apologise for this unintentional oversight. As a consequence of the COVID-19 lockdown last year and the requirement for staff to work from home, the handwritten notes were not in the office.

### **Authority**

I am an Information Officer appointed by the Chief Projects Officer under section 18 of the Act to deal with access application made under Part 5 of the Act. This decision is made pursuant to section 36 of the Act.

### **Decision on access**

My decision in relation to the documents relevant to your request is summarised as follows:

- partial release to four (4) documents;

Documents that are not released or are partially released contain information that I have decided:

- is taken to be contrary to the public interest to disclose in accordance with section 16 and Schedule 1 of the Act; or
- is outside of the scope of your request.

I have included at Attachment A to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

The documents released to you are provided at Attachment B to this letter.

### **Online Publishing – Disclosure Log**

Under section 28 of the Act, MPC maintains an official online record of access applications called a disclosure log. Your original access application and my decision will be published in the MPC disclosure log between three (3) and ten (10) days after the date of the decision. You may view the MPC disclosure log at <https://www.act.gov.au/majorprojectscanberra>.

### **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the MPC disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore Street  
GPO Box 370  
CANBERRA CITY ACT 2601

Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au>

Should you have any queries in relation to your request, please contact me by telephone on (02) 6207 0058 or email [MPCFOI@act.gov.au](mailto:MPCFOI@act.gov.au).

Yours sincerely



Damon Hall  
Information Officer  
Major Project Canberra

11 August 2021

## FREEDOM OF INFORMATION REQUEST SCHEDULE

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: <https://www.act.gov.au/majorprojectscanberra/home>

FOI Reference Number	Request Details
<p><b>MPCFOI2020/14</b></p>	<ol style="list-style-type: none"> <li>1. <i>In relation to the Campbell School Procurement, the Applicant (Manteena) seeks access to:</i> <ol style="list-style-type: none"> <li>a. <i>The following final version of documents relating to Manteena's expression of interest dated 27 August 2019, tender dated 23 January 2020 and best and final offer tender dated 5 May 2020:</i> <ol style="list-style-type: none"> <li>i. <i>Correspondence (including emails, letters, text messages etc), diary notes, file notes or other records of conversations (including by phone) and minutes of meetings between any of the following (final versions not including drafts):</i> <ul style="list-style-type: none"> <li>• <i>Major Projects Canberra and its staff including officers, employees, contractors and agents, including but not limited to members of the Tender Evaluation Team;</i></li> <li>• <i>The ACT Education Directorate and its staff including officers, employees, contractors and agents, including but not limited to the Executive Branch Manager – Infrastructure and Capital Works, the Executive Group Manager – Business Services and the Director-General, including any persons acting in those roles;</i></li> <li>• <i>External organisations, consultants and contractors with which Major Projects Canberra and the ACT Education Directorate consulted or otherwise engaged;</i></li> <li>• <i>The Minister for Education and Early Childhood Development, and their staff including officers, employees, contractors and agents;</i></li> </ul> </li> <li>ii. <i>Documents (final versions not including drafts) including but not limited to briefs, de-briefs, evaluation reports, assessments, reviews, memoranda or the like prepared by the ACT Education Directorate and / or Major Projects Canberra;</i></li> </ol> </li> <li>b. <i>Any documents (final versions not including drafts) relating to the decision by the ACT Education Directorate and / or Major Projects Canberra to introduce the Best and Final Offer Request for Tender into the tender process;</i></li> <li>c. <i>Any documents (including drafts) relating to the recommendations of the ACT Education Directorate and / or Major Projects Canberra regarding the preferred tenderer;</i></li> </ol> </li> </ol>

		<p>d. Any documents (including drafts) relating to the decision by the Director-General of the ACT Education Directorate or responsible delegate to:</p> <p style="padding-left: 40px;">i. Award the contract to Lendlease;</p> <p style="padding-left: 40px;">ii. To not award the contract to Manteena;</p> <p>e. Any documents (final versions not including drafts) relating to the decision for the tender debrief to be provided by the ACT Education Directorate to Manteena without Major Projects Canberra's involvement or attendance.</p>				
Ref No.	No. of Folios	Description	Date	Status	Reason for non-release or partial release	Open Access release status
1.	1-5	Extracts from Notebook: Duncan Edghill Chief Projects Officer Major Projects Canberra	25 March 2020 – 2 April 2020	Partial	Out of Scope	Y
2.	6	Extracts from Notebook: Duncan Edghill Chief Projects Officer Major Projects Canberra	19 June 2020	Partial	Out of Scope	Y
3.	7-9	Extracts from Notebook: Duncan Edghill Chief Projects Officer Major Projects Canberra	23-30 July 2020	Partial	Schedule 2.2(a)(ii) Personal Privacy & Out of Scope	Y
4.	10-14	Extracts from Notebook: Duncan Edghill Chief Projects Officer Major Projects Canberra	14 August 2020	Partial	Out of Scope	Y
<b>Total Number of Documents</b>						
4						

Out of scope

Out of scope



# Out of Scope

- Need to get kinds at the door:

{ Educator.  
Educator.  
Educator. } 3 separate schools.

## Out of Scope

Andrew Perkins

2-Campbell. - a challenge.

Two camp teachers.

\$3000 over  
\$2000

① Murphy. - Closed last Tuesday. Evaluation barely started. GET IT DONE.

# Out of Scope

Out of Scope

ADRIAN

Out of Scope

- Education - Thrushy - out this week - Kon 81  
- Campbell - BAFO.

Out of Scope

Sign Here

Out of Scope

ADL1AW

19/6/20

- Adrian to chase - Campbell

Out of Scope

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Schedule 2.2 (a)(ii)

ADRIAN

23/7/20

Out of Scope

+ ~~the~~ Campbell - Ed to assist Man/Keene.

Out of Scope

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# Out of Scope

ADRIAN

30/7/20

# Out of Scope

- Campbell - Me - EDUCATION DEBT

# Out of Scope

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To Do

- Adrian

**Out of Scope**

- Campbell PS

**Out of Scope**

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Out of scope

14/8/20

PROJECT UPDATES

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Out of scope



Out of scope

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919

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\* Campbell. - last letter to LL on cap.  
L TI 2022

Out of scope