



"Myles O Reilly" <myles@orc.ie> on 26/04/2004 09:34:00

To: Patrick Timmins/Office/Oireachtas@HOUSES
cc:

Subject: Metro confidentiality

Patrick

I forwarded to RPA information that we had obtained from them to seek their permission to publish. Their negative reply is attached.

It is not unusual for reports to be published with confidential information excluded. However, the requirement for RPA that "any such report should also not include any commentary on the information given in confidence which could reveal the nature of that information" makes it difficult indeed.

These RPA requirements would make Chapter 2 on the "Costs and Benefits of RPA proposals" meaningless. In addition, Appendices 1, 2, 5, and 6 would have to be eliminated. Some changes would have to be made to other chapters and appendices but I have not yet analysed those changes. I have not checked the Freedom of Information Act to establish if the RPA interpretation is correct.

However, even if the RPA information is not published, a useful report could be published.

Myles O'Reilly
O'Reilly Consultants, 11 Hume Street, Dublin 2, Ireland
Phone 00 353 1 6618322; Direct: 00 353 1 6475970; Mobile: 00 353 (0)87 2413408 <<http://www.orc.ie>> www.orc.ie

-----Original Message-----

From: O'Connor Rory [mailto:rory.oconnor@rpa.ie]
Sent: 23 April 2004 17:11
To: Myles O Reilly
Cc: Allen Frank; Toolis Claire
Subject: Metro confidentiality

Myles,

Please find attached copy of letter being despatched to you today.

Regards,

Rory

-----CONFIDENTIALITY

NOTICE-----

This e-mail, (together with any attachments) is private and confidential and may contain legally privileged information. If you are not named above as an addressee it may be unlawful for you to read, copy, distribute, disclose or otherwise use the information in this e-mail. If you are not the intended recipient of this e-mail, please return it to postmaster@rpa.ie and delete the original message (together with any attachments).

If the contents of this e-mail do not relate directly to the business of the RPA then they should not be taken as representing the views of the RPA in any way whatsoever and the RPA accepts no responsibility or liability for

Mr. Myles O'Reilly
O'Reilly Consultants
11 Hume Street
Dublin 2

23rd April 2004

Dear Myles,

Re: Metro Confidentiality

Your letter of 20th April regarding the information the Joint Oireachtas Committee wishes to include in its report refers.

All of the information listed in your letter was supplied in confidence and on your explicit undertaking to keep the information confidential. It should not be included in any report which is made public. Any such report should also not include any commentary on the information given in confidence which could reveal the nature of the information.

The information consists of extracts from the Outline Business Case (OBC) for the metro project and supplemental reports. The OBC and supplemental reports were prepared by RPA for the confidential consideration and use of Government. The information includes:

- Commercially sensitive information;
- Information that was provided in confidence;
- Advice prepared for the consideration of Government;
- Information relating to the deliberative process of a public body; and
- Information relating to the financial and economic interests of the State.

Because of the sensitive nature of the information, it should not be disclosed outside RPA or the Joint Oireachtas Committee on Transport. RPA considers the information to be a mandatory exempt record under the Freedom of Information Act 1997 and the Freedom of Information (Amendment) Act 2003. Release of the information would thus represent a breach of the Freedom of Information Act.

Premature release of this information would be contrary to the public interest as it would be of unwarranted benefit to private sector developers and contractors, would be likely to result in increased costs for the metro project by prejudicing RPA's negotiating position and could consequently lead to long delays in the implementation of the project.

RPA must be notified upon a request being made for access to this report under the Freedom of Information Act 1997 or the Freedom of Information (Amendment) Act 2003, or any other legislation.

To the extent that any report which is intended to be made public includes information supplied by RPA or references to such information, I would request that those sections of the report be given to RPA in advance for comment.

Yours sincerely,

Rory O'Connor



"Myles O Reilly" <myles@orc.ie> on 27/04/2004 16:39:53

To: Patrick Timmins/Office/Oireachtas@HOUSES
cc: "Joseph McGrath" <joseph@orc.ie>

Subject: Metro/RPA

Patrick

I have looked at the changes that have to be made to the report to take account of the concerns of the RPA.

I am satisfied that the report will still be worthwhile even with the RPA material deleted.

We are working on a revision of the report deleting the RPA material and taking into account the changes discussed this morning. We hope to have this to-morrow for you.

Myles O'Reilly

O'Reilly Consultants, 11 Hume Street, Dublin 2, Ireland

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"Myles O Reilly" <myles@orc.ie> on 07/05/2004 10:32:57

To: Patrick Timmins/Office/Oireachtas@HOUSES
cc:

Subject: Oireachtas Report /RPA Response

I give below the response from the RPA.

Myles O'Reilly
O'Reilly Consultants, 11 Hume Street, Dublin 2, Ireland
Phone 00 353 1 6618322; Direct: 00 353 1 6475970; Mobile: 00 353 (0)87
2413408 <<http://www.orc.ie>> www.orc.ie
-----Original Message-----
From: O'Connor Rory [mailto:rory.oconnor@rpa.ie]
Sent: 07 May 2004 09:13
To: Myles O Reilly
Cc: Toolis Claire
Subject: Oireachtas Report

Myles,

In response to your request, I confirm RPA's consent to the publication of the following:

1. You may include the benefit to cost ratio for the project, but not the detailed analysis behind the ratio - this would reveal sensitive information about the forecast operating and maintenance costs to potential bidders. The IRR and NPV figures should not be published.
2. You may include the direct construction cost figures in 2002 prices (i.e. €1.72bn for original proposal and €1,224bn for revised proposal) but not a detailed breakdown of this number nor RPA's analysis of risk, escalation, fees, etc.
3. You may include a description of the items that led to the reduction in cost (i.e. shorter alignment, fewer stations, 24-hour tunnelling, reduced specifications (escalators etc.), but not the individual savings associated with each item
4. You may quote the construction cost figure of €1.08bn for a monotube metro for comparison with Professor Melis's estimate, as long as you note that while the Madrid metro was a monotube, the draft Irish Railway Safety Guidelines specify that railway tunnels longer than 1km must be twin tube. Professor Melis gave his own estimate in a presentation to the Committee. The release of this estimate is thus a matter between the Committee and Professor Melis.

In relation to the detailed assumptions used in the cost benefit analysis:

1. You may include the discount rate used in the calculation of the benefit to cost ratio (5%) as long as you note that this is the rate specified in the current Department of Finance Guidelines
2. You may include the percentage of persons engaged in work while travelling on the metro (you may wish to note that this figure is conservative, and a higher figure would further improve the benefit to cost ratio)
3. You may include the GNP growth rate assumed, as long as you note that this is the growth rate forecast by the ESRI in its mid-term review 2001
4. You may include the growth in the value of time assumed, as long as you note that this was based on the above GNP growth rate

In relation to other assumptions:

1. You may include RPA's estimate of the time it will take from the decision to proceed to the opening date of metro (i.e. 6½ years). The projected opening year moves in relation to the decision date. If you wish to state a particular year, this should be related to a

decision date (e.g. the metro is projected to open in 2010 assuming a decision to proceed is made before mid-2004)

2. You may include the level of fares and the yield as long as you note these are assumptions which are likely to change in future (the fare levels were set at the proposed Luas fare in 2002 - the final fares agreed for Luas are higher / the yield factor assumed is based on a Dublin Bus 2001 yield)

I hope the above helps you complete your report.

-----CONFIDENTIALITY


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If the contents of this e-mail do not relate directly to the business of the RPA then they should not be taken as representing the views of the RPA in any way whatsoever and the RPA accepts no responsibility or liability for those contents.

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