

Response to Request for Information

Reference FOI 001110
Date 3 May 2017

Economic Evidence Base Brief

Request:

I am writing to make an open government request for all the information to which I am entitled under the Freedom of Information Act 2000.

Would it possible if you could please send me the following information with reference to the above project:

- The winning bid

In response to your above question, I can confirm that City of Wolverhampton Council holds this information. However, the information you have requested has been considered and is being withheld with reference to Section 43 of the Freedom of Information Act relating to Commercial Interests.

The reasons for this is that the contents of the winning bid, submitted in confidence, are commercially sensitive and it would be potentially damaging to the business of the successful tenderer to share their pricing and service delivery methodology with third parties and would likely prejudice the commercial interests of the parties concerned..

The Council considers that it would not be in the public interest to release this information as it is likely to be damaging to the business of the supplier. It might also have a negative impact on fair competition in future tender processes and that it is not common knowledge and would be likely to be used by competitors in a particular market to gain a competitive advantage. The Council also considers the disclosure of such information would be damaging to the Council's commercial interests as it would be likely to:

- (a) Discourage companies/individuals from providing the Council with commercially sensitive information in the future or undertaking contracts with the Council.
- (b) Adversely affect the Council's bargaining position during future contractual negotiations.

In order to apply Section 43 the Council is required to conduct a public interest test to balance the factors for and against disclosure of the requested information.

Disclosure under the Act's provision should also be considered as being made to the wider world and not to a particular individual for a particular purpose.

When applying the public interest test in respect of commercially sensitive information, the Council has considered:

Prejudice or detrimental effect of disclosure

- Specific circumstances of the case
- Effect of disclosure on the wider world/public

In such cases the public interest factors for disclosure include:

- Demonstrating accountability of public money being spent
- Protection of the public from unsafe practices or rogue traders
- Circumstances in which the information was received
- Competition issues

Further consideration also needs to be given to:

- Whose interests will be prejudiced?
- How will those interests be prejudiced?
- Usefulness of information/detail
- Degree of similarity
- Effect on competition
- Effect on the market
- Timing of the request and response
- Can sensitive information be redacted?
- Where is the public interest?
- Is the information commercial in nature? (For this element the information needs to relate to a commercial activity, either of the Council or the Contractor.)
- Is the information subject to confidentiality provided by law?
- Is the confidentiality provided to protect a legitimate economic interest? (This condition is satisfied if disclosure would adversely affect a legitimate economic interest of either the Council or Contractor the confidentiality is designed to protect and harm would be caused to a legitimate economic interest, not just a potential risk that harm might occur.)

In this case, by releasing the winning tender document, the interests of the research institute, wider academic partners and the Council will be prejudiced. There is also a risk that there is an effect on competition and the market.

However, the information we can release to you is that the successful supplier was the research institute City-REDI, based at the University of Birmingham and the total cost excluding VAT was £44,863.

- And the final project report
With reference to your above question the Council has decided not to disclose this information.

[NOT PROTECTIVELY MARKED]

The information you requested is being withheld as it falls under the exemption(s) in Section 22 of the Freedom of Information Act 2000, which relates to Information Intended for Future Publication.

The Council intends to publish this information and it is deemed on this occasion that the public interest in disclosure is outweighed by the public interest in withholding the requested information until that time.