CITY OF
WOLVERHAMPTON
C O U N C I L

# Response to Request for Information

**Reference**   FOI 001136
**Date**        15 May 2017

## *Provision of Window Cleaning Services*

**Request:**

Please send me:

A copy of the winning tender for the Provision of Window Cleaning Services - Wolverhampton City Council and Wolverhampton Homes.

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 under reference to Section 43 of the Freedom of Information Act relating to commercial interests.

The reason for this is that the contents of the tender 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 likely to be used by competitors in a particular market go 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 proving 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.

This requires the Council to conduct a public interest test to balance the factors for and against disclosure of the requested information.

Disclosure under the Act's provisions 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 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, the key consideration is that a bidder's tender submission in response to a competitive procurement relates to how the bidder undertakes their commercial activity which include details of the operational activity.

Therefore our decision not to release the information is that this would affect competition in the market and in particular prejudice the bidder's ability to compete for future contracts.

However, we can supply you with the following information which we hope will be of use:
Supplier: SJ Cleaning (Midlands) Limited
Contract: 1/2/2017 – 31/1/2021
Contract Value: £500,000