



Response to Request for Information

Reference FOI 001262
Date 26 June 2017

Headstart Website

Request:

I am writing to you under the Freedom of Information Act 2000 to request the following information from Wolverhampton City Council.

Please can you provide a copy of the awarded bid for "PP17027 - Headstart Website".

With reference 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 (FOIA) 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 the business of the supplied. 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.

In order to apply this exemption, the Council is required to conduct a public interest test to balance the factors for and against disclosure of the requested information (the public interest here being defined as something of benefit to the public rather than something the public may be interested in).

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.)

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.

In this case, we consider releasing a bidder's tender submission will affect competition in the market and in particular that bidder's ability to compete for future contracts.