

CITY OF  
WOLVERHAMPTON  
COUNCIL

## Response to Request for Information

Reference      FOI 002778  
Date            17 September 2018

### *Infrastructure Management Software*

**Request:**

- Q1. What computer software are you using for Highways Maintenance Works Ordering and Inspections, how much are you paying per year, and when is the contract due to expire and what format will the procurement process take? Who within the council is responsible for this contract?
- Q2. What computer software are you using for Bridges/Structures, how much are you paying per year, and when is the contract due to expire and what format will the procurement process take? Who within the council is responsible for this contract?
- Q3. What computer software are you using for Flood Risk, how much are you paying per year, how many users are you licensed for and when is the contract due to expire and what format will the procurement process take? Who within the council is responsible for this contract?
- Q4. What computer software are you using for Drainage, how much are you paying per year, and when is the contract due to expire and what format will the procurement process take? Who within the council is responsible for this contract?
- Q5. What computer software are you using for Street Lighting Management, how much are you paying per year, and when is the contract due to expire and what format will the procurement process take? Who within the council is responsible for this contract?
- Q6. What computer software are you using for Public Rights of Way, how much are you paying per year, how many users are you licensed for, and when is the contract due to expire and what format will the procurement process take? Who within the council is responsible for this contract?
- Q7. What computer software are you using for Parks and Open Spaces, how much are you paying per year and when is the contract due to expire and what format will the procurement process take? Who within the council is responsible for this contract?

Q8. What computer software are you using for Street Works, how much are you paying per year, and when is the contract due to expire and what format will the procurement process take? Who within the council is responsible for this contract?

In response to your above questions, please see our responses below.

### **What Computer Software are you Using**

We use one system, Confirm OnDemand and its mobile application ConfirmConnect, to deliver the services as mentioned in your above questions.

### **How Much we you Paying Each Year for Individual Services**

Your request for this information has now been considered and the City of Wolverhampton Council is not obliged to supply the information you requested for the reasons set out below.

Section 17 of the Freedom of Information Act 2000 requires City of Wolverhampton Council, when refusing to provide such information (because the information is exempt) to provide you, the applicant with a notice which:

- (a) states the fact,
- (b) specifies the exemption in question and
- (c) states (if that would not otherwise be apparent) why the exemption applies:

In relation to your particular request, the following exemption applies:

### **Section 43 – Commercial interests**

The Council has considered the provisions of the exemptions contained at Section 43 of the Act – relating to Commercial interests.

This requires the Council 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).

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 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:

The information requested in this respect can be used by the wider world to establish a bidder's tender submission in response to a competitive procurement process relating to how the bidder undertakes their commercial activity. In this case the tender submission includes details of operational activity.

Decision:

It is therefore concluded on this occasion that the balance of public interest is against disclosure as the release of a bidder's tender submission will affect competition in the market and would prejudice that bidder's ability to compete for future contracts. Therefore, it has been decided not to release the information being requested.

However, we can inform you that the overall contract, which includes all the above services, has an annual cost of £93,6000 which we hope will be of help.

**When is the Contract due to Expire**

The current contract for the services requested, is due to end on 31 March 2020, however, we have an option to extend for a further 2 years until 31 March 2022.

**What Format will the Procurement Process take**

We will decide on the procurement route closer to the end of the current contract, one option will be to use G-Cloud.

**Who is Responsible for the Contract**

Paul Walton from Highway Assets, City Transport is currently responsible for this contract.