

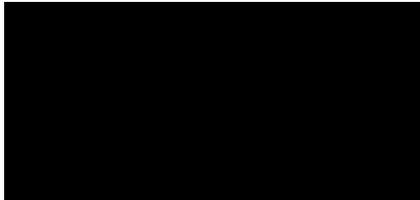


University of East Anglia

Information Services Directorate

The Library  
University of East Anglia  
Norwich Research Park  
Norwich NR4 7TJ  
United Kingdom

Email: [foi@uea.ac.uk](mailto:foi@uea.ac.uk)  
Tel: +44 (0) 1603 593 523  
Fax: +44 (0) 1603 591 010  
Web: <http://www.uea.ac.uk>



16 March 2016

Dear

**Freedom of Information Act 2000 – Information request (ref: FOI\_16-065)**

We have now considered your request of 01 March 2016 for information regarding the framework agreement(s)/contract(s) for the provision of out of hours security service for the UEA Library building. Our response is on pages 4-5 of this letter, together with a copy of your request, and we hope this will meet your requirements.

Unfortunately, it is not possible on this occasion to supply all the requested information. The Act contains a number of exemptions that allow public authorities to withhold certain information from release. We have applied the following exemption to part of your request.

Exemption	Reason
s.43(2), Commercial interests	Disclosure of information would, or would be likely to prejudice the commercial interests of a person as defined by the Act

*Exemption explanation*

In regards the application of section 43(2), it is our belief, supported by direct evidence provided by Norse Commercial Services Ltd (hereafter 'Norse'), that the release of the contract value awarded to Norse for the provision of out of office hours security for the UEA Library building would or would be likely to, in combination with other material publicly available, prejudice the commercial interests of Norse.

The Information Commissioner's Office has established a multi-criteria test for assessing whether a section 43(2) exemption applies<sup>1</sup> and we address each criterion in turn.

The first criterion is whether the information relates to, or could impact on a commercial activity. The sale and purchase of security services to higher education institutions is undoubtedly a commercial activity.

The second criterion is whether the commercial activity is conducted in a competitive environment. The University must obtain the best deals for all externally provided

<sup>1</sup>[http://www.ico.gov.uk/for\\_organisations/guidance\\_index/~/\\_media/documents/library/Freedom\\_of\\_Information/Detailed\\_specialist\\_guides/AWARENESS\\_GUIDANCE\\_5\\_V3\\_07\\_03\\_08.ashx](http://www.ico.gov.uk/for_organisations/guidance_index/~/_media/documents/library/Freedom_of_Information/Detailed_specialist_guides/AWARENESS_GUIDANCE_5_V3_07_03_08.ashx)

services, and, as evidenced by our response to question 1 of your request, there are a large number of companies seeking to provide those products who are required to compete against one another to win business in the higher education sector.

The next criterion is whether the information is commercially sensitive. The value of the contract would be likely to, in combination with other material available within publicly available tender documents, reveal information considered commercially sensitive to Norse. In particular it would be possible to calculate a 'unit price' for the provision of this service, as hours of service are within publicly available tender documents. Firms in this market compete on unit pricing and such information is information that Norse would not release publicly or to any of its competitors.

The next criterion is whether there will be damage to the commercial interests of Norse. We have consulted with Norse who have confirmed that release of the contract value would give a significant advantage to their competitors and damage their ability to compete effectively in securing the contract for the provision of such services,

Under FOI, release to one requester can be considered as release to the world. It is our position that release of this information would, in effect, provide competitors of Norse with information that would be prejudicial to the commercial interests of Norse.

The final criterion is the likelihood of such prejudice occurring. Given that the services provided by Norse are subject to vigorous competition across the sector, and the commercial sensitivity of the information, we are confident that there is a strong possibility that this information would be used, and that the prejudice would, or would be likely to occur.

#### *Public Interest Test*

A public interest test<sup>2</sup> must be applied to the exemption for prejudice to commercial interests. There is no doubt that there is a legitimate public interest in knowing the amount and way in which public funds are spent in this respect, both to further the transparency and accountability of public authority activities.

However, there is also a clear public interest in ensuring there is fair competition for public sector contracts and in protecting the ability of institutions to compete on a level playing field. Any distortion of the tendering process to the disadvantage of one firm has the potential effect of distorting the integrity of the tendering process. On balance, we believe the public interest lies in securing the integrity of the current tendering process for these types of contracts.

Please note that any material over which UEA has copyright is released on the understanding that you will comply with all relevant copyright rules regarding reproduction and/or transmission of the information provided.

You have the right of appeal against this response. If you wish to appeal, please set out in writing your reasons for appealing and send to the above address. You must appeal within 60 calendar days of the date of this letter. Any appeal received after that date will not be considered nor acknowledged. This policy has been reviewed and approved by the Information Commissioner's Office.

You also have a subsequent right of appeal to the Information Commissioner's Office. Further information is available on their website:

[https://ico.org.uk/Global/contact\\_us](https://ico.org.uk/Global/contact_us), or by telephone on 0303 123 1113.

Please quote our reference given at the head of this letter in all correspondence.

---

<sup>2</sup>[http://www.ico.org.uk/for\\_organisations/guidance\\_index/~media/documents/library/Freedom\\_of\\_Information/Detailed\\_specialist\\_guides/the\\_public\\_interest\\_test.ashx](http://www.ico.org.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/the_public_interest_test.ashx)

Yours sincerely

Dave Palmer  
Information Policy and Compliance Manager  
University of East Anglia

## Response to Freedom of Information Act 2000 request (FOI\_16-065)

*The University of East Anglia is seeking to establish a contract for library security outside of core staffed hours, including overnight, weekends and bank holidays.*

*The contract involves front of house security work, answering basic customer enquiries and various library and IT-related administrative tasks.*

### **Framework Agreement Contract UK-Norwich: security services**

#### **Date of Contract**

**Date Published: 4 July 2012**

04/07/2012 S126 - - Services - Contract notice - Restricted procedure

***UK-Norwich: security services***

***2012/S 126-209308***

*I would be most grateful if you would provide me, under the Freedom of Information Act, details in respect of the following [above] framework agreement(s)/contract(s):*

- *Suppliers who applied for inclusion on each framework/contract below and were successful & not successful at the PQQ & ITT stages.\**

The following companies expressed an interest in the contract:

- 1st Nationwide Security Ltd
- Abbey Security Services Ltd
- Be Secure Security Limited
- Broadland Guarding Services Ltd
- Chargecrest Limited
- Close Protection UK
- Constant Security Services Ltd
- Corps of Commissionaires Management Limited
- CTR Services Ltd
- Duval Security Ltd
- Eastern Facilities Management Solutions Ltd
- Emprise Services PLC
- Express Securities Limited
- G4S Secure Solutions (UK) Ltd
- Gladiator Security 24/7 UK Ltd
- Global Business Watch Ltd
- GSL Dardan Limited
- Independent Security Solutions Limited
- Infinitus Security Limited
- K9 Search Solutions Limited

The following companies submitted a Pre-Qualification Questionnaire:

- Corps of Commissionaires Management Limited
- CTR Services Ltd
- Duval Security Ltd
- Express Securities Limited
- GSL Dardan Limited
- Norse Commercial Services Ltd
- Reassurance Security Services Ltd
- The Shield Guarding Company
- Urgent Security Services

The following companies were taken through to tender

- Corps of Commissionaires
- GSL Dardan
- The Shield Guarding Company
- Norse Commercial Services Ltd
- Reassurance Security Services Ltd

The contract was awarded to Norse Commercial Services Ltd

- *Contract values of each framework/contract (& any sub lots), year to date*

***[Information exempted pursuant to s.43(2), Freedom of Information Act]***

Release of requested within this question would, or would be likely to, prejudice the commercial interests of Norse Commercial Services Ltd for the reasons outlined in the letter above.

- *Start date & duration of framework*

The contract started on 1<sup>st</sup> November 2012, the initial contract expired on 31<sup>st</sup> October 2014, with the option that the contract could be extended up to a total contract duration of 4 years. This option to extend has been exercised and the contract has been extended up to 31<sup>st</sup> August 2016.

- *Is there an extension clause in the framework(s)/contract(s) and, if so, the duration of the extension?*

Yes, see response to above question.

- *Has a decision been made yet on whether the framework(s)/contract(s) are being either extended **or** renewed?*

Yes, a decision has been made to retender the contract. There is an OJEU notice out currently for a new contract with the reference number of 2016/S 4167484.