



06 August 2019

Dear 

Freedom of Information Act 2000 – Information request (ref: FOI_19-195)

We have now considered your request of 05 August 2019 for information relating to clearing services contracts entered into by UEA.

Our response is on pages 3-4 of this letter, together with a copy of your request.

On this occasion, it is not possible to provide 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.41(1), Information obtained in confidence	Release of some of the requested information would constitute an actionable breach of confidence by UEA

Exemption explanation – Section 41(1)

Section 41(1) exempts the release of some of the requested information because it was obtained in confidence from third parties and disclosure would constitute an actionable breach of confidence by the University.

Specifically, we believe this applies to the information requested in question 2, that is, the provision of copies of the ITT submissions from the successful suppliers.

Our ITT documentation that is provided to potential suppliers includes a Confidentiality and Collusion section. This section states that all correspondence, negotiations and discussions which take place during the tendering process will be treated in confidence by UEA.

We would therefore consider that information provided by suppliers in response to an ITT is confidential, and for us to publicly disclose this information would also be considered by the supplier to be a breach of confidence. We feel that court action brought against the University in relation to this breach of confidence would be likely to be upheld.

Section 41 is an absolute exemption therefore no public interest test under the Freedom of information Act is required. We are aware that the common law duty of

confidence contains an inherent public interest test, which must be considered in order to decide if the information is exempt. Confidential information should be withheld unless the public interest in disclosure outweighs the public interest in maintaining the duty of confidence.

Having applied this test, we see no advantage to the public in receiving the requested information. We consider that disclosure would undermine the principle of confidentiality and that this far outweighs any benefit that the disclosure would present for the public.

We hope this information will meet your requirements, however if you are not satisfied you have the right of appeal. If you wish to appeal, please set out in writing your reasons for appealing and send to the above address. You must appeal within 40 working days of the date of this letter. In line with section 5.3 of the Freedom of Information Code of Practice, we are not obliged to accept internal reviews after this date.

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, or by telephone on 0303 123 1113.

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.

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

Yours sincerely

Paul Cutting
Information Compliance Specialist
University of East Anglia

Response to Freedom of Information Act 2000 request (FOI_19-195)

*I would be most grateful if you would provide me, under the Freedom of Information Act, details in respect to the contract below, details of which can be found on the second page of this document; **Freedom of Information Request – Cleaning Services***

The details we require are:

- *Suppliers who applied for inclusion and were successful & not successful at the PQQ & ITT stages**
- *Copy of the successful suppliers ITT submission*
- *Contract values of each contract year to date*
- *Start date & duration of contract*
- *Scope of services provided under current contract*
- *Is there an extension clause in the contract(s) and, if so, the duration of the extension?*
- *Has a decision been made yet on whether the contract(s) are being either extended or renewed?*
- *Who is the senior officer (outside of procurement) responsible for this contract?*

**For clarity, the details of the successful and unsuccessful suppliers are kept in the strictest confidence. These details are used only to contact and support suppliers regarding their bidding activity for the relevant contracts.*

We have attached a Reply Form, which may assist you in providing this data.

As requested, our response to question 1 and questions 3 to 7 is shown below in the form you submitted:

	Question Detail	PQQ		ITT	
		Successful Suppliers	Unsuccessful Suppliers	Successful Suppliers	Unsuccessful Suppliers
Q1	Number of suppliers who applied for inclusion on each contract and were successful & not successful at the PQQ & ITT stages.	Please see response to prior request, reference FOI_18-143 ¹ . The data has not changed since that date.			
	Names of suppliers.	Please see response to prior request, reference FOI_18-143. The data has not changed since that date.			
Q2	Contract values of each /contract year to date.	Please see response to prior request, reference FOI_19-169 ² .			
Q3	Start date & duration of contract	Please see response to prior request, reference FOI_18-143. The data has not changed since that date.			

¹ https://portal.uea.ac.uk/documents/6207125/25679223/180726_Response+letter_FOI_18-143_Redacted/

² https://portal.uea.ac.uk/documents/6207125/28810252/190626_Response+letter_FOI_19-169_Redacted/

	Question Detail	PQQ		ITT	
		Successful Suppliers	Unsuccessful Suppliers	Successful Suppliers	Unsuccessful Suppliers
Q4	Scope of services provided under current contract.	Please see response to prior request, reference FOI_18-143. The data has not changed since that date			
Q5	Is there an extension clause in the contract(s) and, if so, the duration of the extension?	There are extension clauses on both contracts of 1 + 1. Please see response to prior request, reference FOI_18-143.			
Q6	Has a decision been made yet on whether the contract(s) are being either extended or renewed?	The Apleona contract (referred to as 'TFM package' in reference FOI_18-143) has been extended for 1 year. No decision has been taken on the CBRE contract (referred to as 'Bundled service solution' in reference FOI_18-143).			
Q7	Who is the senior officer (outside of procurement) responsible for this contract?	For details see response to prior request, reference FOI_18-143.			

[Information exempted pursuant to s.41(1), Freedom of Information Act]

In relation to your request for a 'copy of the successful suppliers ITT submission', this information is exempted from release for the reasons noted in the above letter.