

My Ref: IG-14445
Your Ref:
Contact: Freedom of Information Team
Email: FOI@nottinghamcity.gov.uk



Nottingham
City Council

Freedom of Information Team
Information Compliance
Legal & Governance
2nd Floor
Loxley House
Station Street
Nottingham
NG2 3NG

Requester

At contact address specified for request number above

14 January 2021

Tel: 0115 876 4376

Email:

FOI@nottinghamcity.gov.uk

www.nottinghamcity.gov.uk

Dear Requester

Request under the Freedom of Information Act 2000 (the Act)

The council has considered your request which was received on 15 December 2020 and our response to your questions is shown below.

Highways District Heating Framework (CPU2143):

<https://procontract.due-north.com/Advert?advertId=fd29a90f-d05d-e711-80e3-005056b64545>

The details we require are:

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

The contract was open tender, therefore there was no separate PQQ stage.

Unsuccessful applicants:

- Eneteq Services Ltd
- Morrison Utility Services Ltd
- Durotan Ltd
- Saker Controls Ltd

Successful applicants:

- Herbert T Forrest Ltd
- Vital Energi Utilities Ltd
- Isoplus Piping Systems Ltd

2. *Actual spend on this contract/framework (and any sub lots), from the start of the contract to the current date*

The current spend to date is £4.5 million.

3. *Start date & duration of framework*



The start date was 1 November 2017 with a duration of 4 years.

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

No.

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

There is no decision to date.

6. *Who is the senior officer (outside of procurement) responsible for this contract?*

The council is withholding details of the employee who is responsible for the contract as the officer is below the level of Head of Service. In accordance with section 40(2) of the Act, the personal information about identifiable living individuals is exempt if disclosure to a third party would contravene one of the General Data Protection Regulations (UK GDPR) principles.

The council are required under section 40(2) to take in account the UK GDPR, in particular Article 4 which states: “‘personal data’ means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person”.

The council have considered the principles of the UK GDPR in our decision as to whether to disclose the information. The information you have requested could identify a living individual and is therefore classified as personal data. The council must also consider whether it is fair in general terms to disclose the information. The Information Commissioner’s guidance states ‘It is reasonable to expect that a public authority would disclose more information relating to senior employees than more junior ones...the disclosure must not cause unwarranted interference with the rights, freedoms and legitimate interests of the employee’. The individual concerned would not expect their details to be disclosed to a third party, as it is the council’s general guidance not to do so for staff below the level of Head of Service. The council have therefore determined that in this instance the disclosure of this information to you otherwise than under the Act would contravene Principle (a) of the UK GDPR – lawfulness, fairness and transparency.

In accordance with section 16(1) of the Act, the council has a duty to provide advice and assistance to you, as far as it is reasonable to do so. The council can advise Nottingham City Council does not respond to unsolicited requests regarding sales, procurement and commissioning. Departments must follow a strict procedure as the council has a responsibility to spend public money to achieve the best possible value and outcomes for its citizens whilst maximising the wider social, economic and environmental aims. The council can direct you to the council’s website pages for procurement opportunities, where you can register to be notified on upcoming procurement opportunities, events and how to sell to the council:

<http://www.nottinghamcity.gov.uk/business-information-and-support/doing-business-with-nottingham-city-council/>

The council is withholding the information as detailed above under section 40(2). Please accept this letter as a partial refusal notice issued in accordance with section 17 of the Act.

You are free to use any information supplied for your own personal use. If the information provided is marked as published under an [Open Government Licence](#) you are free to reuse it, subject to the licence terms. However, if the information is not published under an Open Government Licence and you wish to reuse it, for example, by publishing the information or issuing copies to the public you are required to request permission for re-use of this information under the Re-use of Public Sector Information Regulations 2005 (RPSI). Your RPSI request must be in writing and include your name and address for correspondence, and specify the information you want to re-use and the purpose you intend to use it for.

If you are unhappy with the response provided or with the handling of your request, you can ask for an internal review in writing stating the reasons for your dissatisfaction. Your request for an internal review should be made to the council within forty working days of the date of this letter. Please quote reference IG-14445 in all communications.

You can contact the Freedom of Information Team either by email: FOI@nottinghamcity.gov.uk or writing to the **Freedom of Information Team, Information Compliance, Legal & Governance, 2nd Floor, Loxley House, Station Street, Nottingham, NG2 3NG.**

If you remain unhappy after receiving the response to your initial complaint you can request an independent review from the Information Commissioner's Office at **FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.** You may also contact the Information Commissioner's Office by telephone on 01625 545745 or by email at mail@ico.gsi.gov.uk.

Yours sincerely

Freedom of Information Team
Legal & Governance
Nottingham City Council