

**ByEmail:** request-626718-  
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*Direct Line:* 01664 502502

*Please ask for:* Rebecca Mann

*E-mail:* CSC-FOI@melton.gov.uk

*Date:* 17 December 2019

Dear Sir

**REQUEST FOR INFORMATION  
Freedom of Information ACT 2000 ["FOIA"]  
Reference: RFI-2019-729**

Thank you for your request received on 11 December 2019.

I can confirm, in accordance with s.1 (1) (a) of the FOIA, the Council does hold the information in the format you have requested.

I have answered your questions in the order they appear in your request:

**I understand that you have recently bought a new digital system for citizen self service for almost £500k, as stated here:  
<http://bidstats.uk/tenders/2019/W46/714866938>.**

**- I'd like to know how you procured this please ?**

Official Journal of the European Union (OJEU) open procedure.

**- Furthermore, can you tell me how many companies responded to the procurement?**

10 companies responded to the procurement, four of which failed to meet minimum requirements, leaving six bids that were evaluated.

**- Did you have any engagement with suppliers about case management prior to this procurement?**

No.

**- How well did the winning supplier do versus the competition? What was the winning score in terms of cost and meeting your specification?**

## Weighted Scores

	Weighting	1	2	3	4	5	6
Quality	65.00%						
		16.70%	28.40%	53.80%	28.40%	28.00%	34.80%
Price	35.00%						
		25.47%	29.31%	22.74%	22.53%	35.00%	31.19%
Grand Total		42.17%	57.71%	76.54%	50.93%	63.00%	65.99%

**- Please can you provide a copy of the requirements/questions/documents you sent out in the procurement?**

These are attached.

**- Please can you provide a copy of the winning supplier's responses to these requirements, including a breakdown of costs?**

Under s.1 (1) (a) of the FOIA I can confirm that the Council does hold the information you have requested but is unable to disclose the information because it is deemed to be commercially sensitive. See exemption below:

### Exemptions:

#### ***s.43 – Commercially Sensitive***

Section 43 of the Act relates to commercially sensitive information and states:

- (1) Information is exempt information if it constitutes a trade secret.
- (2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).
- (3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2).

In my view, to release the information could compromise the Council and the Contractor itself when tendering for similar works in the future. By disclosing the response could provide a financial advantage to companies that may consider bidding for these types of contracts in the future.

### Public Interest test

Section 43 of FOIA is a qualified exemption and I have therefore applied the public interest test under section 2(2)(b) FOIA i.e. notwithstanding this exemption, is there a greater public interest in providing the information or in maintaining the exemption?

In applying the public interest test I have considered the Awareness Guidance No. 5 and the Annexe to the Guidance issued by the Information Commissioner. When the public interest test is met the exemption recognises this by protecting the Council's right to retain commercially sensitive information. In this instance it is my view that the public interest is weighted in favour of maintaining the exemption as the information is commercially sensitive to the Council and Company concerned.

My reasoning behind this decision is that this information may be used to tender for other contracts and if disclosed, subsequently could weaken the Council's and/or Company's position in a competitive environment by revealing market sensitive information or sensitive information to competitors, thereby putting the Council and the Company at a disadvantage.

#### Decision:

In light of the above, my decision is that the winning supplier's response cannot be released at this time due to it being deemed commercially sensitive. For your information, this letter constitutes a Refusal Notice under section 17 of the Freedom of Information Act 2000 and an exemption under section 43(2) the Act is being applied.

I trust that this response satisfies your request. If you have any queries please do not hesitate to contact us at [csc-foi@melton.gov.uk](mailto:csc-foi@melton.gov.uk) or by writing to Requests for Information, Council Offices, Melton Borough Council, Burton Street, Melton Mowbray, LE13 1GH.

If you are not satisfied with the response you can request an internal review by contacting Adele Wylie, Director for Governance & Regulatory Services (Monitoring Officer), either by e-mail at [csc-foi@melton.gov.uk](mailto:csc-foi@melton.gov.uk) or by writing to Adele Wylie, Director for Governance & Regulatory Services (Monitoring Officer), Melton Borough Council, Burton Street, Melton Mowbray, LE13 1GH.

If you are still not satisfied with the outcome of your complaint then you have a right of appeal to the Information Commissioner's Office: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. [www.ico.org.uk](http://www.ico.org.uk), Telephone - 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number. Or email: [casework@ico.org.uk](mailto:casework@ico.org.uk).

Yours faithfully,



**Kieran Stockley - Legal & Governance Manager**