

REQUEST	RESPONSE
<p>I would like all information regarding the tender process for the latest redevelopment plans for the Galleries shopping center. Please include rival bids and the criteria by which they were chosen and approved/eliminated</p>	<p>Please see attached summary of the Tender Process and the Memorandum of Information.</p> <p>The details of the rival bids are exempt from disclosure under section 41 of the Freedom of Information Act 2000. Section 41(1) states that information is exempt from disclosure if</p> <ul style="list-style-type: none"> <li>(a) the information was received from someone else; and</li> <li>(b) complying with the request would be a breach of confidence that is actionable.</li> </ul> <p>The information was supplied to us by the rival bidders in confidence at all stages of the process. Disclosing the details would be likely to prejudice future tenders that the bidders may submit and would undermine their (and others') trust in the confidentiality of commercial information provided to the Council.</p> <p>The exemption under section 41 is an absolute exemption and does not therefore require a public interest test. However, we are required to consider whether there would be a public interest defence to breaching confidentiality. Whilst the Council accepts the inherent public interest in transparency and accountability in its activities, the names of the shortlisted bidders are in the public domain. On the other hand, if the Council released the information requested, such disclosure would: (i) adversely impact on the bidders' ability to compete; (ii) adversely impact the Council's relationship with those bidders; and (iii) would prejudice future negotiations into which the Council and/or the bidders might enter. Accordingly, the Council does not believe that the public interest in favour of disclosure outweighs the public interest in maintaining the duty of confidentiality in this case.</p> <p>Therefore, the details of rival bids are withheld from disclosure.</p>