



Derbyshire Constabulary

A G Emmanuel

Telephone: 101
Direct Line: 0300 122 8752
Ask For: Freedom of Information
Our Ref: 000278/21
Your Ref: Service Information
Date: 10 February 2021

Dear A G Emmanuel

FREEDOM OF INFORMATION REQUEST - REFERENCE NO: 000278/21

I write in connection with your request for information which was received by Derbyshire Constabulary on 15/01/2021. I note you seek access to the following information:

I'd like to request some information in regards to the following services.

Listed Services:

- a) Laundry equipment supply, maintenance and install.*
- b) Catering equipment supply, maintenance and install.*
- c) Fire equipment supply, maintenance and install and provision of Fire Risk Assessments / consultancy.*
- d) HVAC equipment supply, maintenance and install.*
- e) Cleaning supplies in regards to laundry detergents, laundry disinfectants, room disinfection solutions*

Request for information on the following:

- 1. Please confirm your annual spend for the listed services showing a breakdown of contract value and any additional ad-hoc spend for the previous 3 years.*
 - i) Please highlight any credits received or cost deductions made due to poor service for the duration of the contract.*
- 2. Please confirm where services have been won through a tender or bid process or awarded via framework.*
 - i) Please confirm all suppliers who competed and their scoring following evaluation.*
 - ii) Please confirm the expected retender date.*
 - iii) Please confirm the portal or tender forum you advertise/promote such works through.*
- 3. Please confirm the name and contact details of the person responsible for procurement of the above services.*

Result of Searches

Following receipt of your request, searches were conducted within Derbyshire Constabulary to locate any relevant information. The searches located some information relevant to your request.



INVESTOR IN PEOPLE

Constabulary Headquarters Butterley Hall Ripley Derbyshire DE5 3RS
Incoming telephone calls and data communications may be monitored and recorded



Awarded for excellence

Decision

I have today decided not to disclose all the located information as I am claiming an exemption under Section 43(2) - 'Commercial Interests' of the Freedom of Information Act 2000 in respect of Q2i); the rationale for which is shown below.

That said please see towards the end of this letter for the information that I am prepared to disclose at this time.

Refusal of Request - Section 17

Section 17(1) provides that -

"A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which –

- (a) States that fact,
- (b) Specifies the exemption in question, and
- (c) States (if that would not otherwise be apparent) why the exemption applies."

Section 43(2) - Commercial Interests

Information is exempt under Section 43(2) if its disclosure under the Act would, or would be likely to, prejudice commercial interests of any person, including the public authority holding it. This is a class based, qualified exemption which requires the provision of a public interest test.

Overall Harm

In the current climate value for money, especially public money, is vital and it is beholden on the Constabulary to show that such money, when spent, is not only spent in a cost effective and efficient manner but also demonstrates value for money whilst delivering the best service possible.

The Constabulary follows strict procurement guidelines and is, as far as possible, transparent thereby engendering public trust and confidence. This also works in respect of respective companies who, in a very competitive market, bid for such contracts and in doing so expose vital and confidential data in the process. In doing so there is an expectation that such data will be protected, as far as possible, given that any such release may impact on their future trading in general and with the Constabulary. It would be foolish to release any such data that jeopardises this position as moving forward should it be seen that the Constabulary behaves unprofessionally the pool from which to seek contracts for service(s) will diminish limiting the available choice.

In conclusion to provide information relative to company names along with their scores following evaluation would require the disclosure of commercially sensitive and possibly detrimental information. Given that a disclosure under the Freedom of Information Act is a disclosure to the public at large and not just the applicant. Consequently, the public

authority, if prepared to disclose, has to be aware of this and content to release to anyone who asks subsequently. It also has to be aware that data following such release may be made public by the recipient in any medium they choose. The Tribunal in the case of *Guardian & Brooke v The Information Commissioner & the BBC* (EA/2006/0011 and EA/2006/0013) (following *Hogan and Oxford City Council v The Information Commissioner* (EA/2005/0026 and EA/2005/0030)) confirmed that, “*Disclosure under FOIA is effectively an unlimited disclosure to the public as a whole, without conditions*” (paragraph 52).

As a consequence, given the highly competitive market place the release of such information would place them against their competitors at a significant financial disadvantage and impact on the Constabulary moving forward.

Considerations Favouring Disclosure

Disclosure would provide clarity as to monies received for services provided by the Constabulary as well as allowing a better understanding of how decisions are made as well as show openness and transparency both of which are fundamental principles of the Act.

Considerations Favouring Non-Disclosure

There are a number of companies who compete to gain access to the police service for the purpose of providing services in these areas . All must in negotiations with police forces seek to finely balance their commercial needs in order to provide cost effective services. The disclosure of any costs put forward would give competitors a significant and unfair commercial advantage as it would their costs to be compared to previous quotes which would present an unfair advantage and may result in prejudiced costs being put forward for future like contracts.

The exchange of such information in this process serves as the basis of negotiation for each side to determine the viability of any commercial production.

Balance Test

A responsible authority is duty bound to weigh up all factors prior to reaching a decision on the viability of applying exemptions or otherwise. Part of the process is to review the benefits and disbenefits of any disclosure. FOI quite rightly gives the public access to information and the approach taken is that unless there are sound, argued reasons for non-disclosure the Constabulary will be as transparent and open as possible.

However, such considerations are, as mentioned above, set against the backdrop that any release under the Act is a disclosure to the public at large and not just the applicant. Consequently, the public authority, if prepared to disclose, has to be aware of this and content to release to anyone who asks subsequently.

In this instance the most persuasive reasons for release are transparency and accountability; both key factors in assuring the public that we are a viable, ethical and efficient service provider. These have to be set against the most persuasive reasons for non-disclosure namely damaging the commercial interests of both respective companies who took part in the tender process as well as the overall public confidence placed in the

Constabulary to deal with commercial interests in confidence and sensitively.

Clearly there is a public interest in such information being released but the interests of a member of the public, in this instance the applicant, have to be set against the wider interests of the communities served; is there a tangible community benefit which is more powerful than the harm that can be done. Unfortunately, in this instance I do not feel that this applies.

Given the above I feel that, on balance, and from the harm evidenced above this information should be protected and the exemption applied.

We have no services associated with a) laundry or b) catering and as such our position is 'no information held'.

Fire equipment supply, maintenance and install

Current contract awarded to Clymac Fire & Security Services on 1 June 2019. This runs to 31 May 2022 with an option to extend a further 12 months. The spend to date is £82k.

The ITT was advertised on Eu-Supply.com and was run as an open tender. Winter 2022 to re tender on EU-Supply

The provision of Fire Risk Assessments/Consultancy was awarded to Fire Compliance Management Services Ltd on 1 January 2020 and runs to 31st December 2022 with an option to extend for 2 x 12 months. The spend to date is £25k.

The ITT was advertised on Eu-Supply.com and was run as an open tender. Summer 2023 to re tender on EU-Supply

HVAC equipment supply, maintenance and install.

Whilst we currently no contract in place this is about to be tendered, and will be advertised on the EU-Supply.com portal

3. Procurement@derbyshire.uk is the point of contact – please do not give our individual details

In relation to this data please note the following:

- Police forces in the United Kingdom are routinely required to provide statistics/data to government bodies and individuals. However, the systems used for recording these figures are not generic, nor are the procedures used locally in capturing such data. It should be noted that for these reasons this Constabulary's response to your questions should not be used for comparison purposes with any other response you may receive.

Right to Request a Review (Complaint)

Your attention is drawn to the attached sheet, which details your right of complaint.

I would like to take this opportunity to thank you for your interest in Derbyshire Constabulary.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer, on the above telephone number quoting the reference number in the header.

Yours sincerely

Kevin Lea
Freedom of Information Officer

Enc