

Contact: Julie Purser
Direct tel: 03000 268037
Email: inforights@durham.gov.uk
Our ref: 3737381



Date: 15/06/22

Dear Emily Smith

Freedom of Information Act 2000

Please accept my apologies for the delay.

You requested:

I would be most grateful if you would provide me, under the Freedom of Information Act, details in respect to the contract below.

Traffic Data Collection Database & Management System:

<https://www.contractsfinder.service.gov.uk/Notice/b65d957b-6c63-4d21-8fe1-78a043a01fbf>

The details we require are:

1 - What are the contractual performance KPI's for this contract?

Under section 43 of the Freedom of Information Act 2000 – commercial interests, this information is exempt from release.

This exemption is qualified. This means we need to consider the harm (prejudice) arising from disclosure and then carry out a public interest test. The Public Interest Test is to consider whether, in all circumstances of the request, the public interest in maintaining the exemption outweighs the public interest to disclose the information.

Will disclosure of this information affect the 3rd party's provider's own commercial interest? The Information Commissioner's guidance describes a commercial interest as: "a person's ability to participate competitively in a commercial activity such as purchasing and selling goods or services. In our view, disclosure of this information would be harmful to the provider in that it

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operates in a commercially competitive environment therefore its own commercial interests would be prejudiced.

The Public Interest Test

Factors favouring disclosure include:

- Accountability
- Transparency
- Furthering the understanding of the council's decision-making procedures and working relationship with 3rd party providers
-

Factors favouring withholding include:

- This provider would be disadvantaged were this information to be released into the public domain. Disclosure in this way would likely affect their competitive stand with the potential for loss of its customer base and provide competitors with an unfair advantage.

On balance, we find in favour of maintaining the exemption which means this information is exempt from release.

To note: We can however confirm that this information is in line with the Framework requirements.

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

Under section 1(1) of the Freedom of Information Act 2000 we do not hold this information as it is not available to Durham County Council.

Crown Commercial Services (CCS) are the original framework owners and as such they will have all relevant details of suppliers who applied for a place on the framework.

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

Under section 21 of the Freedom of Information Act 2000 – information available via alternative means, this information can be found from the following website link address:

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To note: (CCS are the framework owners and should be contacted for overall contract throughput).

<http://www.durham.gov.uk/article/5244/Transparency-and-accountability>

Transparency and accountability

We are committed to being open and transparent about how we work, how our decisions are made and what services we provide. As part of this commitment, we publish information about how we spend our money and buy our services, the land and assets we own, our structures and salaries, decision making and fraud.

Information available for re-use

The data on this page are published under the Open Government License and are available for you to re-use as you like, including for commercial and research activities. Where possible and relevant, we have made this data available in both a 'human-readable' format (such as PDF) and an open, 'machine-readable' format that is not dependent on any specific software (such as CSV or XML). Where the information is not currently available, it will be added soon.

Spending and procurement

- **Payments over £500:** The reports list payments of £500 or over (exclusive of VAT) made to suppliers. They are prepared and published 30 days after the end of each month, and we hold the last 2 years on our website.
- **Government procurement card transactions:** We do not use a government procurement card as defined by the code.
- **Invitations to tender:** We use the [North East Procurement Organisation \(NEPO\) Portal](#) for these, and it includes details of all our invitations to tender for goods and/or services with a value of more than £50,000. Access to the information on the portal is free, but you will need to register.
- **Contracts Register:** The register lists all contracts, commissioned activity, purchase orders, framework agreements and other legally enforceable agreements, including waste collection contracts, that exceed £5,000. It is updated quarterly.
- **Grants to voluntary, community and social enterprises (VCSE):** This register includes grants to voluntary, community and social enterprise organisations. 2021/22 information will be published at the end of April 2022 and updated annually.

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4 - Start date & duration of framework/contract?

Under section 21 of the Freedom of Information Act 2000 – information available via alternative means, this information can be found from the following website link address:

<https://www.crowncommercial.gov.uk/agreements/RM1089>

5 - Could you please provide a copy of the service/product specification given to all bidders for when this contract was last advertised?

Not applicable

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

No

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

Yes

8 - Who is the senior officer (outside of procurement) responsible for this contract?

The Head of Transport and Contract Services.

Please note: This post is currently vacant and will not be filled until July 2022.

I should like to advise you that if you wish to use the information provided to target individuals with direct marketing materials such as email, you need to be mindful of your obligations under the Privacy and Electronic Communications (EC Directive) Regulations 2003. I therefore strongly advise you to obtain the explicit permission of the staff member(s) before sending an unsolicited email.

Organisations can only send unsolicited marketing by electronic mail where the individual has specifically requested it, i.e. they have opted in.

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Please quote the reference number 3737381 in any future communications.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Please put your grounds for an appeal in writing and email us back explaining which internal review applies.

- Late (you want us to explain why the response was late or has not yet been provided)
- Disagree with exemption (wrong exemption, or applied incorrectly)
- Disagree with the public interest test (Explain in detail why you believe the public interest test favours disclosure.)
- Request is incomplete, information is missing (indicate what is missing), information is inaccurate Information is not what was requested.

Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to inforigxxx@xxxxxx.xxv.uk

If you are still dissatisfied with the Council's response after the internal review you have a right of appeal to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF.
Telephone: 01625 545 700
Website: www.ico.gov.uk

I will now close your request as of this date.

Yours faithfully

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Julie Purser
Freedom of Information and Data Protection Officer

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