

**From:** [Foi Enquiries](#)  
**To:** [REDACTED]  
**Subject:** EIR-17-0866 - Hazlehead Multi-Storeys  
**Date:** 17 July 2017 12:34:49  
**Attachments:** [Award Letter.pdf](#)  
[Phase 1 - Section 1 - Demolitions and Alterations.pdf](#)  
[Phase 1 Section 2 Roof.pdf](#)  
[Phase 1 Section 3 External Walls.pdf](#)  
[Phase 1 Section 4 - Windows and External Doors.pdf](#)  
[Phase 1 Section 5 - Internal Walls and Partitions.pdf](#)  
[Phase 1 Section 6 - Decoration.pdf](#)  
[Phase 2 - Section 3 - Roof.pdf](#)  
[Phase 2 - Section 5 Internal Walls and Partitions.pdf](#)  
[Phase 2 Section 1 - Demolition and Alterations.pdf](#)  
[Phase 2 Section 2 - External Walls.pdf](#)  
[Phase 2 Section 4 - Windows and External Doors.pdf](#)  
[Phase 2 Section 6 - Decoration.pdf](#)  
[Preliminaries.pdf](#)  
[Priced Bill.pdf](#)  
[Further Information - Right to Review & Appeal.pdf](#)

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Dear [REDACTED]

Thank you for your information request of 19 June 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

**We would be obliged if you could provide us with the following information in terms of your obligations under the Freedom of Information Act 2002:**

**1) A copy of the Contract concluded between yourselves and Keepmoat;**

See attached submitted Keepmoat tender documents and Aberdeen City Council letter of award.

ACC is unable to provide you with a full copy of the contract as it is considered exempt from disclosure. In order to comply with its obligations under the terms of Regulation 13 of the EIRs, ACC hereby gives notice that we are refusing your request under the terms of Regulation 10(5)(e) – Commercial Information - of the EIRs.

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The contract has yet to be finalised but contains information relating to the commercial interests of both the Council and Keepmoat and if disclosed, the pricing will be a good indicator of what might be considered a measure for any future bids and this information will also be highly useful to competitors in looking to target other customers using this pricing information to help them undercut pricing with them too.

If the information is disclosed, the ability of the Council to obtain value for money in future tender exercises will be substantially prejudiced (because potential tenderers will price to beat the incumbent's pricing and not necessarily with their lowest bid). Additionally, Keepmoat's commercial interests will be damaged as competitors will know their current pricing and Keepmoat's will not know theirs, so there will not be a level playing field on any re-tender. Additionally, if Keepmoat's pricing with the Council is disclosed, Keepmoat's other customers may learn of it (as the information will enter the public domain) and Keepmoat will not be able to maintain their prices with them if they know the prices agreed with the Council

The information being sought is very detailed and will be used in financial modelling and is designed to understand the pricing of services in order to confer advantage on the person

seeking the information.

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ACC's ability to conduct a blind re-tender which offers the optimal outcome in terms of competitive outcome will be irrevocably impaired and Keepmoat's ability to compete on a level playing field will also be severely hampered because details of core unit pricing will be in the public domain and known by competitors.

Please note that third party names and personal details, as well as the names of ACC Officers who are below Head of Service level have been redacted (blacked out) from the attached reports. This is because ACC considers that this information is excepted from disclosure. In order to comply with its obligations under the terms of Regulation 13 of the EIRs, ACC hereby give notice that we are refusing your request under the terms of Regulation 11(2) in conjunction with 11(3)(a)(i) – Personal Information - of the EIRs.

In making this decision ACC considered the following points:

ACC is of the opinion that Regulation 11(2) applies to the information specified above as the information in question is personal information relating to living individuals, and the applicant is not the data subject.

ACC is of the opinion that Regulation 11(3)(a)(i) applies, as ACC considers that disclosure of this information would be a breach of the first Data Protection Principle (that personal information must be processed fairly and lawfully). Third parties and ACC Officers who are below Head of Service level named within the attached documents would not expect ACC to release this information about them into the public domain under the EIRs (or the Freedom of Information (Scotland) Act 2002 (FOISA)).

**2) A copy of the Submission/Application made by Keepmoat in respect of their final account value, together with any supporting documentation provided; and**

As the contract has yet to be finalised we currently do not have this information to hand. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it. ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

**3) A copy of final account, including breakdown.**

As the contract has yet to be finalised we currently do not have this information to hand. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it. ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

We hope this helps with your request.

Yours sincerely,

Information Compliance Team

### **INFORMATION ABOUT THE HANDLING OF YOUR REQUEST**

As the information which you requested is environmental information, as defined under Regulation 2(1) of the Environmental Information (Scotland) Regulations 2004 (the EIRs), ACC considered that it was exempt from release through FOISA, and must therefore give you notice that we are refusing your request under Section 39(2) of FOISA (Freedom of Information (Scotland) Act 2002). However, you have a separate right to access the information which you have requested under Regulation 5 of the EIRs, under which ACC has handled your request. Please refer to the attached PDF for more information about your rights under the EIRs.

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\*03000 numbers are free to call if you have 'free minutes' included in your mobile call plan.  
Calls from BT landlines will be charged at the local call rate of 10.24p per minute (the same as 01224s).

[www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)