

From: [Foi Enquiries](#)
To: [REDACTED]
Subject: FOI-17-1092 - Energy from Waste
Date: 17 August 2017 15:38:14
Attachments: [Further Information - Right to Review & Appeal.pdf](#)

Dear [REDACTED],

Thank you for your information request of 31 July 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

When was a project director for the green energy from waste plant scheme appointed?

March 2016

Who or what firm was appointed for the work?

Entec Solutions Ltd via Harvey Nash Ltd who are a Scotland Excel framework provider for these services.

What salary is being paid?

The Project Director was appointed following a fully competitive procurement process in accordance with applicable policies and regulations.

ACC is unable to provide you with information on **What salary is being paid** as it is exempt from disclosure. In order to comply with its obligations under the terms of Section 16 of the FOISA, ACC hereby gives notice that we are refusing your request under the terms of Section 33(1)(b) – Commercial Interests - of the FOISA.

In making this decision ACC considered the following points:

Do commercial interests exist in relation to the information?

Yes, primarily the commercial interests of the third parties will be damaged. Contracts for services like this with the Council are confidential and as such the commercial interests of the Council may also be damaged as a result of disclosure. Release of this information may damage the third parties ability to negotiate individual rates with other parties. By releasing the total amount paid to the Project Director, we will be providing a clear indication of the rates negotiated.

Please describe how disclosure of the requested information would cause the level of harm required for this exemption.

Release of the information would cause significant harm and restrict the third parties ability to negotiate individually with other customers. It is highly likely that this harm will occur as disclosure will make public financial arrangements. This would restrict the third parties ability to negotiate individually in a free economic market. Disclosing information of this nature is likely to weaken their position in a competitive environment by revealing market-sensitive information which is of potential usefulness to their competitors.

Where does the public interest lie in relation to the information?

ACC recognises that there is a general public interest in openness and transparency and that the withheld information may help the public to scrutinise ACC's spending of public money and the

awarding of contracts. ACC also recognises that third parties who deal with ACC should expect that some of their information would become available in the public domain.

However, ACC believes that the public interest in disclosing the above information is limited and that, in this case, there is a stronger public interest in withholding the information.

The third parties commercial interests would be impeded by the release of this information as would the commercial interests of Aberdeen City Council. The reason for this is that rates/prices are individually negotiated and the release of these details would prejudice future negotiations. If this information is freely available then there is no market for competitive pricing, thus vendors would introduce a fixed pricing structure which would be to the detriment of Aberdeen City Council and the public, in terms of ensuring best value. It is therefore not in the public interest to disclose this information.

The Project Director is one part of a wider team delivering a major public procurement, many of whom have the specialist skills and experience required for such a complex and high value process; it may be more useful to consider requesting information on the overall spend on the procurement as this covers a range of costs and service providers. Please contact us if you would be interested in requesting this.

We hope this helps with your request.

Yours sincerely,

Information Compliance Team

INFORMATION ABOUT THE HANDLING OF YOUR REQUEST

ACC handled your request for information in accordance with the provisions of the Freedom of Information (Scotland) Act 2002. Please refer to the attached PDF for more information about your rights under FOISA.

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