

From: [Foi Enquiries](#)
To: [REDACTED]
Subject: FOI-17-1420 - Aberdeen Art Gallery
Date: 07 November 2017 14:40:48
Attachments: [Further Information - Right to Review & Appeal.pdf](#)

Dear [REDACTED],

Please accept our sincere apologies for the delay in responding to your information request of 5 October 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

In relation to the redevelopment of Aberdeen Art Gallery:

- 1. The daily rate that is payable to Bruce Tait associates**
- 2. If there are a set number of contracted days per month**
- 3. How many contracted days have been paid to date**
- 4. How long the contract is likely to continue for.**

The information requested would be likely to prejudice substantially the commercial interests of Bruce Tait Associates as it is commercially sensitive. To release details of the preferable rate that Bruce Tait Associates gave Aberdeen City Council for this work would harm their business in terms of engagement with and pricing for other clients.

ACC is unable to provide you with information on **The daily rate that is payable to Bruce Tait associates, If there are a set number of contracted days per month, How many contracted days have been paid to date and How long the contract is likely to continue for** 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 and the Economy - of the FOISA.

In making this decision ACC considered the following points:

Aberdeen City Council have a commercial relationship with this provider. They have a right to expect that the details of their contract will be kept confidential. It is a competitive market and providing this information could affect that competition and could give future bidders a potential competitive edge. We have a duty under EU Directives and Public Procurement Regulations to ensure fairness in the tendering process. Providing this information to one source could adversely affect that fair competition. Therefore the commercially sensitive exemption is applied.

ACC recognises that there is a general public interest in knowing the exact amount of money ACC pays each provider for the services ACC commissions. However, ACC is of the view that the public interest lies in withholding the information as disclosure would prejudice ACC's commercial relationships and future contractual negotiations with third parties and after considering all the circumstances of the case, the public interest is best met by applying Section 33(1)(b) at this time.

We hope this helps with your request.

Yours sincerely,

Grant Webster
Information Compliance Officer

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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