

From: [Foi Enquiries](#)
To: [REDACTED]
Subject: FOI-17-1666 - Air Quality Monitoring
Date: 05 December 2017 11:28:43
Attachments: [Further Information - Right to Review & Appeal.pdf](#)

Dear [REDACTED]

Thank you for your information request of 7 November 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

I wish to make a Freedom of Information Request as I am interested to know the 2 companies that provided a tender and whether they were doing the whole contract themselves or subcontracting.

ACC is unable to provide you with information on **the 2 companies that provided a tender and whether they were doing the whole contract themselves or subcontracting** 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:

The information requested is not currently publicly available. Bidders expect confidentiality around the information they submit. Knowing the pricing information of a competitor will give any potential future bidders an unfair advantage in future tendering exercises and will not allow the open competition which will afford best value for the Council.

The timeliness of contract award has a bearing on the decision to withhold. Due to the relatively recent award, the information contained within the requested information will still be current and release will identify pricing structures and working practice information for third parties which is considered commercially sensitive.

Disclosure of this information is likely to weaken the business position of the bidders in a competitive environment by revealing sensitive information which competitors may find useful. It is important that ACC maintains good relationships with reputable companies in order to obtain value for money and so releasing commercially sensitive information could potentially damage ACC's reputation with such third parties, dissuading the third parties from engaging with ACC. Additionally, disclosure may put in jeopardy the Council's ability to attract bids from the market place and therefore be able to secure best value.

All information released under the Freedom of Information Act is considered information released into the public domain regardless of the intended recipient. Releasing these details would harm the third parties as commercially sensitive details will be shared with another commercial company and/or a potential market competitor. In turn, this information could be used by other bidders to inform future work and contracts and potentially compromise the Council's ability to deliver best value.

ACC acknowledges that there is public interest in how it undertakes its procurement process, in the case of 'following the public pound' and ensuring that our process captures best value for

ACC and the public purse. To this end, we publish a great deal of financial information on our website. ACC also recognises that there is a general public interest in openness and transparency around the systems ACC has in place to manage its contracts and that the withheld information may help the public 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. To this end, ACC publishes a Contract Register on its website at the following link:

<https://www.aberdeencity.gov.uk/services/council-and-democracy/financial-information-and-procurement/contracts-register>

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.

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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