



**SUFFOLK  
CONSTABULARY**  
*Taking pride in keeping Suffolk safe*

## **Freedom of Information Request Reference N°: FOI 003161-19**

I write in connection with your request for information received by Suffolk Constabulary on the 9 September 2019 in which you sought access to the following information:

*“Lowestoft carpark sealing.*

*During the tendering process, can we request that we are provided with a summary of all prices received please?”*

### **Response to your Request**

The response provided below is correct as of 9 September 2019

Suffolk Constabulary has considered your request for information and the response is below.

Information concerning the specific prices received during the tendering process are commercially sensitive to the individual suppliers and therefore have not been provided as a result of exemptions in the Act.

The Constabulary can confirm that the contract was awarded to Cemplas Waterproofing based 100% on price. The prices quoted within the remaining three tender documents were as follows, by %:

Cemplas Waterproofing – 100%  
Company A – 104.70%  
Company B – 178.55%  
Company C – 200.41%

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1 (1)(b) is to disclose information that has been confirmed as being held.

Section 17 of the Freedom of Information Act 2000 requires that Suffolk and Norfolk Constabularies, when refusing to provide such information (because the information is exempt) is to provide you, the applicant, with a notice which:

- States that fact

- Specifies the exemption in question and
- States (if that would not otherwise be apparent) why the exemption applies.

The information is exempt from disclosure by virtue of the following exemption;

### **Section 43(2) – Commercial Interests**

Section 43 is a Qualified Class-Based exemption and I am therefore required to produce a Public Interest Test.

#### **Public Interest Test**

(When applying a qualified exemption, a public authority is required to consider whether 'In all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information'.)

#### **Considerations favouring disclosure**

Where Public funds are being spent, there is a public interest in accountability and justification. In this case to provide the individual bidding costs that were put forward to win a contract, would show we are open and transparent, one of the fundamental principles of the Act. This would enable the public to understand how much this particular contract is worth and the potential expenditure.

#### **Considerations favouring non-disclosure**

Third party interests might be jeopardised by the release of information that relates to sensitive commercial information and consequently could provide a competitive edge to other suppliers.

To provide the costs that company's put forward, would give competitors a significant and unfair commercial advantage, as their costs can be compared to previous quotes which would present an unfair advantage and may result in prejudiced costs being put forward for future like contracts.

#### **Balancing test**

The use of public funds is a strong factor favouring disclosure as it will identify that the Constabularies maintain effective centralised procurement to ensure the most cost-effective process.

However, to disclose information regarding costs that can affect future contracts, will identify to other suppliers prices considered by the Constabulary providing an unfair advantage in the procurement process. This would impact on commercial relationships, impeding tried and tested procurement processes, which would not be benefited by disclosure of this information.



On balance, the Public Interest favours non-disclosure as to do so may have implications to the processes in place within the Constabulary to enable such discounts.

Should you have any further queries concerning this request, please contact Clair Pack, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;  
<http://www.opsi.gov.uk/>

Suffolk Constabulary is not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.



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Your Right to Request a Review of Decisions Made Under the Terms of the  
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask Suffolk Constabulary to review their decision.

Ask Suffolk Constabulary to look at the decision again.

If you are dissatisfied with the decision made by Suffolk Constabulary under the Freedom of Information Act (2000), regarding access to information, you must notify Suffolk Constabulary that you are requesting a review within 40 working days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker  
Information Management Department  
Suffolk Constabulary  
Police Headquarters  
Martlesham Heath  
Ipswich  
Suffolk  
IP5 3QS  
OR  
Email: [information@suffolk.pnn.police.uk](mailto:information@suffolk.pnn.police.uk)*

In all possible circumstances Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 20 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at [www.ico.org.uk](http://www.ico.org.uk) or contact them at the address shown below:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Telephone: 01625 545 700