

Freedom of Information Request – Response – 27727

Thank you for your response and for the advice and assistance provided under section 16 of the Freedom of Information Act 2000.

Having considered the advice received, I have decided to narrow my request to a single procurement.

Accordingly, please treat this email as a request under the Freedom of Information Act 2000 for the complete administrative record relating to the following procurement:

CD1286 – Joint Venture for Development of Multiple Sites in Suffolk

I request the complete administrative record from the commencement of the procurement through to its conclusion and subsequent contract administration, including all recorded information held by the Council relating to that procurement, whether within Suffolk Sourcing, Procurement Team contract folders, email systems or any other records management system.

Without limiting the scope of the request, this includes, where held:

- procurement planning documents;*
- business cases;*
- procurement strategies;*
- approvals and delegated authority records;*
- procurement notices and advertisements;*
- invitations to tender and other procurement documentation issued by the Council;*
- specifications and statements of requirements;*
- clarification questions and responses;*
- evaluation criteria;*
- individual evaluator scoring sheets;*
- moderation records;*
- consensus evaluation records;*
- evaluation reports;*
- internal emails;*
- internal correspondence;*
- internal memoranda;*
- file notes;*
- meeting minutes and meeting notes;*
- recommendations;*
- governance papers;*
- approval records;*
- legal, procurement and financial advice (subject to any applicable exemptions);*
- award reports;*
- award correspondence;*
- standstill correspondence;*
- debrief correspondence;*
- signed contracts and schedules;*
- contract variations;*
- contract management records;*
- performance monitoring records;*
- correspondence with suppliers; and*

- *any other recorded information forming part of the administrative record for this procurement.*

Where any information is considered exempt from disclosure, I request that the relevant exemption(s) be applied only to the exempt information and that the remainder of the records be disclosed where reasonably practicable.

If any requested records are no longer held, I would be grateful if you could confirm this and, where applicable, whether they were disposed of in accordance with the Council's records retention schedule.

Suffolk County Council (SCC) can confirm that it holds this information however, it is being withheld under s.12 of the Freedom of Information Act 2000 (FOIA).

s.12 allows a public authority to refuse to comply with a request for information where it estimates that the cost of complying would exceed the appropriate limit, which for local authorities is £450 or 18 hours of staff time calculated at £25 per hour. The costs that may be taken into account are those involved in determining whether information is held and locating, retrieving and extracting the requested information.

Whilst you have submitted a narrowed request for just a single procurement exercise, it remains exceptionally broad in scope. You have requested the complete administrative record relating to procurement CD1286 from commencement of the procurement through to contract award and subsequent contract management including information held within procurement systems, contract folders, email systems and any other records management systems.

In order to comply with your request SCC would need to identify, search and retrieve information held across a number of locations and potentially by a number of officers involved in the procurement and subsequent contract management processes. The request has asked for a substantial range of document types including but not limited to:

- procurement planning documents;
- business cases and procurement strategies;
- clarification records;
- evaluation and moderation documentation;
- governance and approval records;
- correspondence with suppliers;
- internal emails and other internal communications;
- legal, procurement and financial advice;
- contract documentation, variations and schedules; and
- contract management and performance records.

You have requested information that relates not only to the procurement exercise itself but also to subsequent contract administration. Given the breadth of the wording used, searches would need to be undertaken across procurement systems, shared drives, contract files, email accounts and other record repositories in order to identify all information falling within scope.

Having consulted with the relevant service area they have confirmed that the information falling within the scope of your request is not held as a single file or record. Rather, it is likely to be held across a number of locations including procurement systems, contract management records, shared drives, network folders and email accounts. The request

also extends beyond the procurement exercise itself to subsequent contract administration and management activities.

In order to provide a precise calculation of the time that would be required to comply with your request, SCC would first need to undertake extensive searches across those locations to identify and retrieve all information potentially falling within scope. Undertaking those searches would effectively involve carrying out a substantial part of the work required to answer the request.

The ICO recognises that a public authority is only required to make a reasonable estimate of the costs of compliance and is not required to conduct the searches necessary to establish the exact volume of information held before relying on s.12.

Based on our knowledge of the procurement, the types of records requested, the number of potential storage locations involved and the breadth of the request, SCC reasonably estimates that the cost of determining whether all relevant information is held, and locating, retrieving and extracting that information, would exceed the appropriate limit set out in section 12(1) of FOIA. Accordingly, the Council is not obliged to comply with the request.

Under section 16 of the Freedom of Information Act 2000, public authorities have a duty to provide advice and assistance, so far as it would be reasonable to do so, to applicants making requests for information. The ICO's guidance also recognises that where a request exceeds the appropriate cost limit, authorities should assist applicants in refining their requests where possible.

Prior to submitting this request, SCC provided advice and assistance regarding the scope of requests for complete procurement records and highlighted that requests for entire procurement files are likely to involve substantial volumes of information held across multiple systems and locations. SCC also explained that a number of the categories of information identified are likely to contain significant volumes of commercially sensitive information requiring individual consideration before any disclosure could be contemplated.

To assist you in obtaining information about procurement CD1286, you may wish to submit a further refined request limited to specific categories of records rather than the complete administrative record. SCC has previously advised that the following categories of information are generally more likely to be manageable within the cost limit:

- approvals and delegated authority records;
- procurement notices and advertisements;
- invitations to tender and other procurement documentation issued by the Council;
- specifications and statements of requirements; and
- evaluation criteria.

You may also wish to exclude categories of information that are particularly broad in scope and which are likely to be held across multiple systems and repositories, including:

- internal emails;
- internal correspondence;
- internal memoranda;
- file notes; and
- meeting minutes and meeting notes.

In addition, SCC previously advised that the following categories are likely to involve significant volumes of material and would require extensive searches due to the nature of the records requested:

- procurement planning documents;
- business cases;
- procurement strategies;
- clarification questions and responses;
- evaluation and moderation records;
- governance and approval papers;
- legal, procurement and financial advice;
- award, standstill and debrief correspondence;
- contract management and performance records;
- supplier correspondence; and
- other records forming part of the procurement administration file.

You may therefore find it helpful to focus any revised request on a particular stage of the procurement process, such as:

- procurement planning and approval;
- tender documentation issued by the Council;
- evaluation and award documentation; or
- contract award documentation.

Alternatively, you may wish to request one or more of the specific categories identified above rather than the complete procurement file.

If you are willing to narrow down your request SCC will be more than happy to consider the refined requests under FOIA. Alternatively, whilst you are under no obligation to do so if you are able to let us know why you are seeking this information or what you would like to use it for it may assist us in providing you with more tailored advice and assistance as to how you can access information that would be of most use to you.