



29 March 2016

INTERNAL REVIEW - REFERENCE 15-084

Dear 

We refer to your email of 8 February 2016 where you requested an internal review under the Freedom of Information Act 2000 (FOIA) with regard to the response you received from the London Legacy Development Corporation (Legacy Corporation) in relation to your information request reference as above.

The internal review has been completed and the findings and recommendations of the internal review are as follows:

1. Background

- 1.1 The original request asked for the Legacy Corporation to *“confirm the time and estimated/budgeted costs on each occasion that the Olympic [Stadium] is configured to (or from) football mode to (or from) athletics mode.”* The response withheld the information under section 43(2) – commercial interests on the basis that the information requested if released into the public domain would impact on current and future procurements for a retractable seating contractor and have a substantial detriment of E20 and the ability to obtain value for money for the public purse.
- 1.2 The internal review panel reviewed all of the original correspondence and also discussed with the Head of Procurement the harm that would be incurred if this information was released into the public domain at this time.

2. Findings

- 2.1 The Legacy Corporation is preparing to undertake a procurement to appoint a stadium seating transition contractor. This is a complex piece of procurement work which is currently ongoing.

- 2.2 The total cost will be dependent on the tender's proposed methodology used to deliver the seating transitions (for example mix of plant, labour and design innovation).
- 2.4 The baseline is that the contract will be up to five years and include maintenance costs and a minimum of two transitions per year.
- 2.5 It is also envisaged that the successful contractor will use their expertise to suggest modification that enhance the efficiency of transitioning the seating.
- 2.6 The panel consider that the section 43(2) exemption is engaged in this case because the disclosure of estimates for the seat transitioning at this time would be likely to prejudice the forthcoming procurement for a retractable seating contractor and distort the competition.
- 2.7 However the panel also recognise that the OJEU contract notice for the procurement of the long term Stadium seating operation and maintenance contractor is expected to be issued by September 2016. The OJEU notice will include a broad cost range that the contract will be expected to be within. The cost range will cover the full scope of services required within this contract.
- 2.8 We confirm that we have given careful consideration to the public interest factors for and against disclosure of the information contained in your request and we consider that the balance of the public interest in non-disclosure outweighs the public interest in disclosing it.
- 2.9 We recognise and have taken account of the public interest in promoting transparency of decisions and accountability in regards to the agreements that are entered into by public sector bodies involving the expenditure of public money.

3. **Recommendation**

- 3.1 The internal review panel consider that the original response was correct in withholding the estimated costs under section 43(2).

If you are not content with the outcome of the internal review, you may appeal directly to the Information Commissioner at the address given below. You should do this within two months of our final decision. There is no charge for making an appeal.

Further information on the Freedom of Information Act 2000 is available from the Information Commissioner's Office:

Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Telephone 08456 30 60 60 or 01625 54 57 45

Website www.ico.gov.uk

Yours sincerely



Chief Executive

London Legacy Development Corporation