



9 January 2019

INFORMATION REQUEST REFERENCE 18-084

Dear 

Thank you for your information request, received on 22 November 2018. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

“Ref: Stratford & Waterfront Enabling Works, Reference Number 0196.

*Request for Information under the Freedom of Information Act 2000 (“the Act”)
We refer to the above procurement exercise carried out by the London Legacy Development Corporation.*

We wish to request under the Act the following information:

- 1. Copies of the pre-qualification questionnaires submitted by those shortlisted to tender.*
- 2. The scores attributed to the above firm's pre-qualification questionnaire.*
- 3. Copies of the technical /qualitative submission elements submitted by those shortlisted to tender.”*

I can confirm that the Legacy Corporation holds information which falls within the scope of your request. The information relevant to your request is below and our response follows your order:

Q1. Copies of the pre-qualification questionnaires submitted by those shortlisted to tender.

The shortlisted applicants' responses to the pre-qualification questionnaires are on the enclosed DVD – **Annex A to Annex E**.

Q2. The scores attributed to the above firm's pre-qualification questionnaire.

The scores attributed to the pre-qualification questionnaires are provided in **Annex F** of the enclosed DVD.

Q3. Copies of the technical /qualitative submission elements submitted by those shortlisted to tender.”

The technical/ qualitative submission elements submitted by those shortlisted to tender are being withheld under FOIA section 41 – information provided in confidence.

Section 41 - Information provided in confidence.

(1) Information is exempt information if—

- (a) it was obtained by the public authority from any other person (including another public authority), and
- (b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

The section 41 exemption is an absolute and class-based exemption and as such is not subject to the prejudice test or the public interest test, however, we acknowledge that there is a need to consider the public interest when applying this exemption because the law of confidence recognises that a breach of confidence may not be actionable where there is an overriding public interest in its disclosure, for example if it would highlight any misconduct, wrongdoing or risks to the public.

The Legacy Corporation is committed to openness and transparency and is mindful of public considerations. We have sought to balance any public interest in disclosing the requested information against the public interest in protecting the confidential information and maintaining and respecting the expected duty of confidence to companies submitting confidential bid information to the Legacy Corporation as part of a procurement exercise.

The release of this information could seriously prejudice the commercial activities of the Legacy Corporation as it would be likely to harm the confidence that companies have in the ability of the Legacy Corporation to maintain confidentiality of the information they are required to submit during procurements. Disclosure by the Legacy Corporation could give competitors inside information on the bidders' organisational processes, financial standing, structures, business plans and other sensitive information which in turn would undermine confidence in our ability as a public authority to uphold confidentiality and maintain trust in our ability to keep the information provided to us in confidence confidential. This in turn would harm the effectiveness of the procurement process and could discourage organisations from bidding for opportunities and working with us to deliver our legacy objectives.

From the Legacy Corporation's perspective, it would harm relations with all parties if those parties could not trust that their confidential information would be handled appropriately either during or after a procurement. In addition, it would harm the reputation of the Legacy Corporation and would be likely to impact on the quality of the information being provided, which in turn, would prejudice the Corporation's ability to achieve best value for the public purse.

If you are unhappy with our response to your request and wish to make a complaint or request an internal review of our decision, you should write to:

Deputy Chief Executive
London Legacy Development Corporation
Level 10, 1 Stratford Place
Montfichet Road
London, E20 1EJ

Email: FOI@londonlegacy.co.uk

Please note: complaints and requests for internal review received more than two months after the initial response will not be handled.

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

FOI / EIR Co-ordinator
London Legacy Development Corporation