

Freedom of Information requests

2013

Reference number: 13-002

Under the freedom of information act, Sudlows Ltd is requesting the submitted tender documents from all tenderers with their scores, relating to the ***Contract for the Provision of the National Museum Wales- ICT Server Room Expansion 2013.***

Sudlows would be happy to receive the requested tender documents electronically or in hard copy.

Amgueddfa Cymru
Parc Cathays, Caerdydd CF10 3NP
Ffôn: (029) 2039 7951 Ffacs: (029) 2057 3321

Amgueddfa Cymru – National Museum Wales
Cathays Park, Cardiff CF10 3NP
Tel (029) 2039 7951 Fax (029) 2057 3321

national
museum
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amgueddfa
cymru

28 February 2013

Dear,

REQUEST FOR INFORMATION – *Information relating to the tendering process for the Contract for the Provision of the National Museum Wales – ICT Server Expansion 2013.*

Thank you for your request for information. As Head of Knowledge & Information Management for Amgueddfa Cymru - National Museum Wales, I am responsible for responding to your request for information.

I refer to your email of 31 January 2013, in which you asked for the following information:

Requesting the submitted tender documents from all tenderers with their scores, relating to the Contract for the Provision of the National Museum Wales – ICT Server Room Expansion 2013.

RESPONSE

Your request for information has now been considered and I must inform you that the Museum is not obliged to supply the information you have requested due to the information being exempt under the Freedom of Information Act. Therefore, in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice.

The exemption applicable to the Information is:

Section 43(2) – Commercial Interest

Section 43(2) exempts information the disclosure of which would be likely to prejudice commercial interests. Although S.43 is subject to the public interest test, to which we have given careful consideration, we have decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

This exemption applies because the disclosure of the requested information would be likely to prejudice the commercial interests of Amgueddfa Cymru and all those who have supplied detailed tenders in any future negotiations.

We do not provide financial information on current tenders as we consider this information is commercially sensitive. The contract has yet to be awarded which makes this information very current thus very commercially sensitive. Disclosure of this current information is likely to prejudice all parties in future negotiations. Amgueddfa Cymru does not disclose current information which would likely prejudice the Museum's or other company's future negotiation opportunities. Such information is not released and exemption S.43(2) is applied.

Moreover, releasing such information would fetter the Museum's ability to obtain a competitive price on retendering i.e. disclosure would harm the Museum's ability to achieve best value when the contract is next retendered.

We acknowledge that there is a public interest in disclosure to support openness and transparency, especially relating to the spending of public money, but there are opposite and weightier interests in non-disclosure due to the importance of ensuring a level commercial playing field and achieving best value in negotiations for public sector contracts.

Your request was considered according to the principles set out in the National Assembly's Code of Practice on Public Access to Information (third edition). The Code is published on the Internet at www.information.wales.gov.uk.

If you believe that I have not applied the Code of Practice on Public Access to Information correctly or have not followed the relevant laws, please contact me to request a first-stage review. If, after that, you are still not satisfied you may request a formal review by Amgueddfa Cymru. When dealing with any concerns, we will follow the principles of the National Museum of Wales's Code of Practice on Complaints, which is available on our website at www.museumwales.ac.uk/en/45/ or by post from:

Mr John Williams-Davies
Director of Collections and Research
Amgueddfa Cymru – National Museum Wales
Cathays Park
Cardiff
CF10 3NP

You also have the right to complain to the Information Commissioner.
Normally, however, you should pursue the matter through our internal
procedure before you complain to the Information Commissioner.
The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

I apologise that Amgueddfa Cymru cannot assist you with your request but if
you have any further queries or concerns then please contact me via my email
address.

Yours sincerely,

Head of Knowledge & Information Management