

## **FREEDOM OF INFORMATION ACT 2000**

Your request for information has now been considered and the Council's response to your questions is shown below.

### **You asked:**

**I am interested to better understand the outcome of the recent procurement exercise for Leicester City Council Domiciliary Support Services (2013-2017) Lots 2 and 4 To this end, I would be obliged if you would forward to me a copy of the winning tender for both Lot 2 and 4 please. Could you please include Lot 1 winning response.**

Tendering of domiciliary support services commenced last year in October 2012. The outcome of the framework agreement award was made known to the successful and unsuccessful organisations on 22<sup>nd</sup> August 2013. The ten day notice period (known as ALCATEL) ended on 3<sup>rd</sup> Sept 2013. The main purpose of the ALCATEL period is to enable unsuccessful providers to challenge the decision of the award of contract by the Council.

Details of award of domiciliary support service framework agreements are as follows:

Lot 1 – Generic Domiciliary Support Service (15 main contracts + 5 reserves)

Lot 2 – Specialist Domiciliary Support Service (3 Main + 3 reserves)

Lot 3 – Acquired Brain Injury (1 main + 1 reserve)

Lot 4 – Extra Care Service – Danbury Gardens (1 main + 1 reserve)

Lot 2 and Lot 3 have now been formally awarded and the Council's Legal Services will sign off these contracts in due course. The contracts will commence on 14<sup>th</sup> October 2013.

In terms of Lot 1 and 4 we have been responding to queries raised for further clarification and once these are resolved the Framework contracts will be formally signed off.

You can request any recorded information under the Freedom of Information Act. However the Act is applicant blind so we must consider whether the information is suitable for release not only to you, but also the general public.

Section 17 of the Freedom of Information Act 2000 requires Local Authorities when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which specifies the exemption in question and states (if not otherwise apparent) why the exemption applies.

The exemption/s, as well as the factors the Department considered when deciding where the public interest lies, is listed below:

The exemptions are as follows:

Section 41 Information provided in confidence  
Section 43 Commercial Interests

### Section 41 (a)(b) Information Provided in Confidence

When the originator imparted this information they did so on the understanding that it would be used for the purpose for which it was supplied. Disclosing this information would constitute a breach of confidence.

### S43 Commercial Interests

Under s43(2), information is exempt if its disclosure would, or would be likely to, prejudice commercial interests of any person (including the public authority holding it). S43 is a qualified exemption and we are obliged to apply the public interest test. We have come to the decision that it is not in the public interest to release the information.

The legislation allows you to use the information supplied for your own personal use. Please be aware that any commercial or other use, for example publication, sale, or redistribution may be a breach of copyright under the Copyright, Designs and Patents Act 1988 as amended unless you obtain the copyright holder's prior permission.

Not all the information that is supplied which is covered by copyright will be the Council's copyright, for example it may be the copyright of a government department or another Council. You should seek either the Council's consent or their consent as appropriate. The Council is willing to advise you of any such potential issues on request. In order to make a request to re-use the information please contact the Information Governance Manager using the details below.

If you are dissatisfied with the handling of your request please write to:

**Information Governance Manager**  
**Information and Support**  
**Leicester City Council**  
**FREEPOST (LE985/33)**  
**New Walk Centre**  
**LEICESTER LE1 6ZG**  
e-mail: [info-requests@leicester.gov.uk](mailto:info-requests@leicester.gov.uk)

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You can also complain to the Information Commissioner at:

**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**

**Wilmslow SK9 5AF**

**Telephone: 01625 545 700**

[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Please be aware that the Information Commissioner does not normally consider appeals or complaints until the internal appeals and complaints processes of the public authority which is answering the request have been exhausted. You are therefore advised to complain or appeal to the Information Governance Manager before contacting the Commissioner.