

Annex B Public Interest Test

PUBLIC INTEREST TEST				
Request Ref.	DOF/2023-0222 CPD			
Request Summary:	Details of the winning submission / and details of tender submission			
Information Details:	Exemption applied	Disclosure	Non-Disclosure	
Request for copy of successful tender submission and pricing	43 (2) Information is exempt if its disclosure under this Act would, or would be likely to prejudice the commercial interests of any person (including the public authority holding it).	<ul style="list-style-type: none"> • To show compliance with the FOI Act by disclosing information held by the Department as a Public Authority. • There is a general public interest in the accountability, openness and transparency of government, and to promote public understanding. 	<p>Disclosure would be likely to harm KHG Toilet Hire and weaken KHG's position in a competitive environment by revealing sensitive information or information that is potentially useful in a negotiation position.</p> <p>Although there is a public interest in the efficient use of public resources, disclosure of information relating to KHG would be likely to affect adversely KHG's commercial interests. If released to other potential future procurement bidders, or in the public domain for these services, this would have consequences to KHG in the likes of its negotiating position, commercial prices, details of the company's activities and methodologies.</p> <p>Narrative of a tenderer's response to a quality submission describing the company's experience (includes methodology) and fair work practices may cause commercial harm to a company as their commercial approach could be replicated by others and put them at a disadvantage from competitors in future tenders.</p> <p>The disclosure of this information could undermine the tenderer's confidence in applying for future public sector tender competitions as well as their ability to successfully compete for future public sector tender competitions. There would be negative impact on their commercial value if the detailed narrative of their bid and commercial approach became public knowledge.</p>	

			<p>There is a risk that the tenderer could be discouraged from competing for future competitions if information identified as being commercially sensitive is released, thereby reducing the competitive market that the department would be able to draw from.</p> <p>Disclosing such information may also negatively impact on the department's reputation.</p>
Request for details of tender submissions and ranking			<p>The other tenderer withdrew their bid prior to award. It is not of benefit to the public in releasing their name, as they were not awarded a contract.</p>
<p>PUBLIC INTEREST DECISION: After weighing up the competing public interest considerations, we consider it is reasonable in the circumstances that the information should be withheld from disclosure. Disclosure could harm KHG Toilet Hires commercial and therefore weaken KHGs position in a competitive environment by releasing sensitive information or information that may be potentially useful in a negotiating position. This is under exemption 43 Commercial Interests and that the public interest in maintaining the exemption outweighs the public interest in disclosure.</p>			