

REQUEST	WASTE CONTRACT	RESPONSE
I am writing to you to request the following information for the Constituency of: Wigan CC		
<ol style="list-style-type: none"> <li>1) A Copy of the current Municipal Waste Contract</li> <li>2) The length of time remaining on the current Municipal Waste Contract</li> <li>3) The Price per Tonne paid for the Municipal Waste delivered to Gate of the Facility</li> </ol>		<p>We are unable to disclose the requested environmental information due to the following exemption:</p> <p>Confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest – regulation 12(5)(e). You can refuse to disclose information if this would adversely affect the confidentiality of commercial or industrial information. To apply this exception, you must consider the following:</p> <p>Is the information commercial or industrial?  Is the information subject to confidentiality provided by law?  Is the confidentiality protecting a legitimate economic interest?  Would disclosure adversely affect the confidentiality?</p> <p>Please see our attached Public Interest Test for further detail.</p>

## Public Interest Test on providing the Waste Treatment contract documents and the price per tonne

### Waste Treatment Contract Documents

<u>Public Interest in favour of maintaining the exemptions and the weight attached to them</u> Weighting 1-5 ( 5 being highest)	<u>Public Interest factors in favour of disclosure and the weight attached to them</u> Weighting 1-5 ( 5 being highest)
<ul style="list-style-type: none"> <li>• We have contract clauses in place that prohibit disclosure of this information. There are legal consequences if these clauses are not adhered to. <b>5</b></li> <li>• The contract, the waste solution and the contract documentation have been developed by Competitive Dialogue. That means that the solution and the details provided in this contract are unique to the waste contractor as others would have put in a different solution with different risk profiles and assumptions. Publicly providing this detail may provide competitors an advantage in future procurements which could potentially erode the competition and treating all competitors fairly. <b>5</b></li> <li>• Waste contractors did not tender for a set specification or solution but required to provide their best innovative solution to meet the Authorities Requirements at the time of tendering. Therefore, each company's assets and expertise are different. It is not in the Public interest to disclose this information to enable companies to develop their own strategies and solutions. Providing this detail does not enable innovations in waste treatment technologies to be developed. <b>4</b></li> <li>• There are a limited number of contractors that are able to carryout this scale and scope of work. Disclosing this information will not provide greater competition. There is a large cost associated with tendering which is borne by the contractors. Providing this information will provide commercial advantage to competitors. This may erode trust and potentially reduce the number of tenderers for similar types</li> </ul>	<ul style="list-style-type: none"> <li>• With the passage of time from the start of the contract ( 7 years) the relevance of the information will diminish. However, the solution and information provided is still unique to the waste contractor. <b>2</b></li> <li>• Disclosing the information may be relevant to a subject of public interest but it is unlikely to add to public understanding due to the technical nature of the information which would require a highly technical waste expertise to understand.<b>2</b></li> <li>• Disclosing the information will help increase competition in the market providing greater transparency and accountability. In reality at the point of tendering we are looking for the best solution that companies can provide to deal with Wigan's waste. Therefore, companies have to demonstrate that they have the solution, and ability to provide a technology or facility. Disclosing this information would not be relevant as potential companies would have to have a facility either with planning permission or in operation to be able to tender. <b>2</b></li> </ul>

<p>of contracts over the UK leading to less competition. <b>4</b></p> <ul style="list-style-type: none"> <li>• With the passage of time the contractor and solution provided may not now be the best solution available as technology, capacity and the waste market changes. Therefore, the information is irrelevant and serves no value. <b>3</b></li> <li>• At the time of tendering this contract, the contract documents and requirements were publicly available. With the documentation there was the option at the time to ask questions and clarify any information, . This provided a transparent and open process. <b>2</b></li> <li>• The waste treatment contract is for 25 years from 1<sup>st</sup> April 2015. Therefore, disclosing this information will not provide any advantage, or the ability, for another party to provide a better or cheaper solution. If the work was retendered, information about the contract would be provided to everyone. The next time this contract will be retendered the requirements, and solution could be completely different <b>3</b></li> </ul>	
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### Contract Price

<p><u>Public Interest in favour of maintaining the exemptions and the weight attached to them</u></p> <ul style="list-style-type: none"> <li>• We have contract clauses in place that prohibit disclosure of this information. There are legal consequences if these clauses are not adhered to. <b>5</b></li> <li>• The contract, the waste solution and the contract documentation have been developed by Competitive Dialogue. That means that the solution and the details provided in this contract including the disposal rates are unique to the waste contractor as others would have put in a different solution with different risk profiles and assumptions. Publicly providing this detail may provide competitors an</li> </ul>	<p><u>Public Interest factors in favour of disclosure and the weight attached to them</u></p> <ul style="list-style-type: none"> <li>• With the passage of time from the start of the contract ( 7 years) the relevance of the information will diminish although this would provide a transparency. However, the information provided including the solution and the waste disposal rates are still unique to the waste contractor. Also with the passage of time the market may have changed significantly which would mean the information would have little relevance although it would remain commercially sensitive. <b>2</b></li> <li>• Disclosing the information may be relevant to a subject of public interest</li> </ul>
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<p>advantage in future procurements which could potentially erode the competition and treating all competitors fairly. <b>5</b></p> <ul style="list-style-type: none"><li>• There are a limited number of contractors that are able to carry out this scale and scope of work. Disclosing this information will not provide greater competition.<b>3</b></li><li>• The waste treatment contract is for 25 years from 1<sup>st</sup> April 2015. Therefore, disclosing this information will not provide any advantage or the ability for another party to provide a better or cheaper solution. If the work was retendered, information about the contract would be provided to everyone.<b>3</b></li></ul>	<p>but it is unlikely to add to public understanding due to the technical nature of the information which would require a highly technical waste expertise to understand. <b>2</b></p>
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#### Conclusion

In both cases the interest in maintaining the exemption outweighs the public interest in disclosure