



Information Governance Team

Postal Address:
Coventry City Council
PO Box 7097
Coventry
CV6 9SL

www.coventry.gov.uk

E-mail: infogov@coventry.gov.uk

Phone: 024 7697 5408

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Dear Sir/Madam

**Freedom of Information Act 2000 (FOIA)
Request ID: FOI678463081**

Thank you for your request for information relating to Coventry City Centre Cultural Gateway.

You have requested the following information:

I am writing to you under the Freedom of Information Act 2000 to request the following information:

1. Tender documents submitted by ISG for the Coventry City Centre Cultural Gateway construction project, including financial statements and risk management plan

We can confirm that we hold information in relation to the first query of your Request, however the Council believes that the information is exempt from disclosure under Section 36(2) of the Freedom of Information Act 2000.

Sections 36(2)(b)(i)(ii) and 36(2)(c) of the FOIA states the following:

“Information to which this Section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act –

...

(b) would, or would be likely to, inhibit—

(i) the free and frank provision of advice, or

(ii) the free and frank exchange of views for the purposes of deliberation, or

...

(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs”.

These exemptions apply when, in the opinion of the Council’s ‘qualified person’ (the City Solicitor and Monitoring Officer, Julie Newman), disclosure would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation, or would otherwise prejudice, or be likely to prejudice, the effective conduct of public affairs.

In this instance, you have requested information which the Council has been provided by a third party (“ISG”) under a regulated procurement process, namely the Public Contract Regulation 2015. This information contains commercially sensitive information and confidential aspects of ISG’s tender. Regulation 21 of the Public Contract Regulations 2015 provides that contracting authorities must not disclose information that has been designated as confidential by a supplier (i.e. economic operator); including technical or trade secrets and confidential aspects of tenders.

It is important that the Council (responsible for the delivery of a number of statutory functions to residents of the City of Coventry) are able to operate under the procurement processes required when seeking tenders from third parties effectively and efficiently. Disclosure under Freedom of Information is a disclosure to the world at large.

If the requested information was to be disclosed, it would significantly inhibit the extent to which potential suppliers would feel free to communicate openly, thereby prejudicing the Council’s ability to receive suitable tender returns and secure value for money when undertaking the delivery of its function which require compliance with the procurement regulations

In light of the above, we are therefore satisfied that the exemption applies and after applying the public interest test and considering all arguments for and against, it has been concluded that the balance of public interest lies with applying the Section 36 (2)(b) and (c) exemption.

2. Coventry City Council's scoring of ISG against procurement criteria against other tenderers.

The Council does not hold information relating to ISG’s scoring against procurement criteria against other tenderers. This is because the procurement exercise to appoint the contractor to deliver the project only resulted in the submission of one bid, namely that received from ISG.

Notwithstanding the above, we have set out below information which shows how the Council evaluated the bid received from ISG and their scores against those project criteria:

Evaluation criteria	Maximum percentage available	ISG score
Cost	50.00%	50.00%
Quality	50.00%	36.46%
Project Personnel	10.00%	8.33%
Project Methodology	20.00%	13.33%
Project Programme	7.50%	5.63%
Retained Elements of the Building	7.50%	5.00%
Social Value	5.00%	4.17%
Total Percentage	100.00%	86.46%

The supply of information in response to a FOI/EIR request does not confer an automatic right to re-use the information. You can use any information supplied for the purposes of private study and non-commercial research without requiring further permission. Similarly, information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs. Please contact us if you wish to use the information for any other purpose.

For information, we publish a variety of information such as: [FOI/EIR Disclosure Log](#), [Publication Scheme](#), [Facts about Coventry](#) and [Open Data](#) that you may find of useful if you are looking for information in the future.

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: infogov@coventry.gov.uk

If you are unhappy with the outcome of our review, you can write to the Information Commissioner, who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email icocasework@ico.org.uk.

Please remember to quote the reference number above in your response.

Yours faithfully

Information Governance