

PART 2 – CONFIDENTIAL FACTS AND ADVICE

DD2085

Title: LSIP Medium Pressure gas supply contract

Information may have to be disclosed in the event of a request under the Freedom of Information Act 2000. In the event of a request for confidential facts and advice, please consult the Information Governance team for advice.

The information below is not for publication until the stated date, because:

Details of the single source procurement (for the MP gas supply contract) is commercially sensitive pending finalisation of the proposed works contract and pending the outcome of negotiations with Saria Limited over the extent of GLAP's responsibilities to provide a gas connection to Plot 5 LSIP.

Date at which Part 2 will cease to be confidential or when confidentiality should be reviewed: to be reviewed once the relevant agreements have been negotiated and signed and by the latest of the 22nd December 2017 (**REVIEW**).

Legal recommendation on the grounds of keeping the information confidential:

In the event of any request for access to the information contained in this document under section 1 of the Freedom of Information Act 2000 ("the Act"), it is considered that access can be denied on the basis that the disclosure of such information would prejudice GLAP's commercial interests and therefore, is covered by the exemption under section 43 of the Act.

Section 1 of the Act creates the general right of access, which provides that any person making a request for information to a public authority is entitled:

- to be informed in writing by the public authority whether it holds information of the description specified in the request; and
- if that is the case, to have that information communicated to him/her.

Part II of the Act contains a number of exemptions from disclosure for certain classes of information. In particular, section 43 of the Act provides that information is exempt information if disclosure under the Act would, or would be likely to prejudice the commercial interests of any person (including the public authority holding it). The paragraph above states that the information is considered commercially sensitive as its release could affect the GLA's ability to negotiate with Matrix Network Limited and Saria Limited.

The section 43 exemptions are qualified exemptions and its use is therefore, subject to a public interest assessment.

Public Interest Assessment

At present, on balance, it is considered that the public interest is best served if the information is not disclosed at this point. Disclosure by the GLA would be likely to have a detrimental effect on the:

- GLA's commercial interests and the delivery of the proposed project; and
- GLA's delivery of a project which promotes economic development and wealth creation in Greater London.

The eligibility of these exemptions should be reassessed in the event of an FOI request for this information as the level of sensitivity will change over time and different circumstances may alter the arguments in favour of non-disclosure.

Legal Adviser - I make the above recommendations that this information should be considered confidential at this time

Name *Katie Sullivan*

Date 09.01.2017

Once this form is fully authorised, this should be circulated with the Part 1 form.

Confidential decision and/or advice:

A single source procurement is required because:

- the proposed exemption is recommended in order to fulfil GLAP's existing legal responsibilities to an existing long leaseholder of the Park, Saria Ltd,
- under an existing Agreement for Lease (between GLAP and Saria) there are certain cost implications of GLAP failing to reach practical completion of the gas supply works within certain timeframes and there is a risk of an unquantified (but possibly substantial) damages claim associated with a failure to complete the works.
- by appointing the sub-contractor, Matrix Network Limited who laid the existing main (into which the new works will connect) GLAP should (i) avoid incurring the cost and time of having the existing gas supply network checked and tested by another contractor and (ii) avoid delaying the adoption of the expanded network.