

PART 2 – CONFIDENTIAL FACTS AND ADVICE

DD2086

Title: Royal Docks & Beckton Riverside Power Supply

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The information below is not for publication until the stated date, because:

To ensure any tendering process for both professional advisors and 3rd party contractors (in regard to the substation costs) is not adversely impacted by the disclosure of estimated costs.

Date at which Part 2 will cease to be confidential or when confidentiality should be reviewed: **01/06/18**

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 may be denied on the basis that the disclosure of such information would prejudice the commercial interests of the GLA, as its release could lead to the GLA's receiving less competitive bids were it to let a contract for the construction of a primary substation. Therefore, the exemption from release of the information set out in part 2 of this report is covered by 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 be 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 its 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 could be considered commercially sensitive, as its release could affect the interests of funding applicants and the GLA's ability to secure the best possible outcome, and therefore, is covered by the exemption under section 43 of the Act. The Section 43 exemption is a qualified exemption and, accordingly, its valid use is subject to a public interest assessment.

Public Interest Assessment

On balance it is considered that the public interest is best served if the information not be disclosed at this point. As noted above, disclosure by the GLA of its estimate of the cost of constructing a new primary substation could impede the GLA's ability to secure best value in any competitive tender for a contract to

build the substation, as bidders may all bid at or close to the GLA's estimated figure.

The hampering of the GLA's ability to obtain best value from its procurement process could precipitate an increase in the burden public resources.

For these reasons, it is considered that the information below is exempt from publication in reliance upon the exclusions contained in section 43(2) (commercial interests) of the Freedom of Information Act and because the public interest in withholding the information outweighs the public interest in releasing it.

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

Name John Benson

Date 08-02-2017

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

Confidential decision and/or advice:

Estimate of substation costs

In carrying out due diligence on the Albert Island project a consultant sought a quote for electrical provision to the site. UKPN provided an estimate of the costs of provision of a new primary substation at £19.5m + VAT. This does not include land value and assumed that part of the site would be used for the provision of the substation.

Breakdown of consultant costs

This is an estimate of the proposed roles and associated costs for each consultant. These costs will only be tested once each of the appointments is procured. TFL legal obtained a written estimate from a legal firm and the came in at just under £30,000.

The values attributed to the other consultants have been estimated using assumptions of day rates and the time and resource required. This split of costs may vary during procurement.

Stage 1 costs estimate split

- Utility Consultant – £30,000
- Legal support – £30,000
- Valuer – £10,000

Total - £70,000