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9(2)(a)

RE Official information request CDHB 10510

I refer to your email dated 15 December 2020, requesting the following information under the Official Information Act from Canterbury DHB. Specifically:

- 1. All the responses to the RFP for endoscopy and/or a primary birthing unit**
- 2. All correspondence between any staff regarding the RFP this year.**

I note we previously supplied to you (CDHB 10463) The Request for Proposal (RFP), the paper to QFARC and the Registrations of Interest (ROI).

We are declining your request under the following sections of the Official Information Act:
9(2)(b)(ii) *"...would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; and*
9(2)(ba) *"...protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the enactment, where the making available of the information –*
(i) *Would be likely to prejudice the supply of information, or information from the same source and it is in the public interest that such information should continue to be supplied."*

9(2)(i) and (j) "...enable a Minister of Crown or organisation holding the information to carry out, without prejudice or disadvantage commercial activities"; or (j) "...enable a Minister of Crown or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)".

The RFP submissions, and correspondence relating thereto, are subject to ongoing obligations of confidentiality. Submissions are provided by Respondents to the Canterbury DHB in strict confidence. The responses contain confidential information including personal and property information, together with the Respondents' proposed commercial terms, including yield/rental.

The standard RFP terms expressly provide that each party will take steps to protect the confidential information and will not disclose it without the other party's prior written consent. Further, members of the evaluation committee sign confidentiality declarations. Deliberations within committee are confidential to allow free and frank discussion by members on the submissions.

As this RFP process has not concluded, Canterbury DHB is likely to be having ongoing discussions/negotiations with Respondents regarding their submissions. Canterbury DHB also needs management, Board and Ministry of Health approvals prior to making any decisions about proceeding with any of the options put forward in the submissions. Once requisite approvals have been given and the RFP processes is concluded, the outcome of the process can be made public.

You may, under section 28(3) of the Official Information Act, seek a review of our decision to withhold information by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz; or Freephone 0800 802 602.

Please note that this response, or an edited version of this response, may be published on the Canterbury DHB website after your receipt of this response.

Yours sincerely



Ralph La Salle
Acting Executive Director
Planning, Funding & Decision Support