

Our ref: IG/FOI/FOI.054.24

15 October 2024

Sent via email to: [REDACTED]

Dear [REDACTED]

## Request under the Freedom of Information Act 2000

I write further to your request for information, which was received on 11 October 2024, to confirm, in accordance with S.1(1)(a) of the Freedom of Information Act 2000, that Powys Teaching Health Board (PTHB) does hold the information that you require. For ease of reference your request is set out below and my response follows.

### Your Freedom of Information (FOI) Request:

Please answer the following questions:

1. Are the fire dampers currently on contract for the inspection and maintenance?
2. If yes, please confirm the following:
  - Due date for contract end
  - Actual contract spend
3. What route to market used to obtain these services (a) open tender (b) framework - if yes, which one?
4. Are the fire dampers currently maintained by an external contractor? If yes, please provide which contractor?
5. Finally, please advise names and contact details of any individuals (outside of procurement) responsible for this contract including your Estates Manager (b) Health & Safety Compliance Manager (c) Fire Officer?

### Powys Response:

Q1. Yes, the fire dampers are currently on contract for the inspection and maintenance.

Q2. I can confirm this contract was awarded in in February 2023. If all Key Performance Indicator's (KPI's) are met, the contract expires in February 2028.

Q3. I can confirm the Tender is managed by NHS Wales Shared Services Partnership (NWSSP) via 'Invitation to Tender' (ITTs) which was published on E-Tender Wales on the 23<sup>rd</sup> of September 2022.

Q4. The contractual agreement has been withheld as it is considered exempt under Section 43 Commercial Interests of the Freedom of Information Act. This section of the Act sets out an exemption from the right to know if releasing the information is likely to prejudice the commercial interests of any person (a person maybe an individual, company, the public authority itself or any other legal entity).

This exemption was considered by the Health Board when deciding whether to release this information because it was felt that, in doing so, it could create a significant risk in prejudicing the commercial interests of the practice in question.

As this is a qualified exemption the Health Board must consider the public interest in deciding whether to withhold or disclose the information. The Health Board accepts that there is a public interest in ensuring openness and transparency. However, the Health Board believes that disclosure of information in a manner which fails to protect the interests and relationships arising in a commercial context could discourage third parties from dealing with the Health Board because of fears that the disclosure of information could damage them commercially. In turn, this could jeopardise the Health Board's ability to compete fairly and pursue its function to bring forward development in the area and obtain value for money. As a result, exemption Section 43 is engaged as it is not considered in the public interest to disclose this information.

Q5. I can confirm that this contract is managed by an Estates Manager within the Estates department. You may to contact the estates manager via telephone: 01874 712679. Or via post:

Estates  
The Courtyard,  
Bronllys Hospital,  
Brecon,  
Powys,  
LD3 0LU.

Under the terms of the Health Board's Freedom of Information procedure, individuals seeking access to recorded information held by the Health Board are entitled to request an internal review of the handling of their requests. If you would like to complain about the Health Board's handling of your request, please contact us directly at the address below or register your complaint via [powysfoi.foi@wales.nhs.uk](mailto:powysfoi.foi@wales.nhs.uk)

If after Internal Review you remain dissatisfied you are also entitled to refer the matter to the information commissioner at the Information Commissioner's

Office (Wales), 2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH.  
Telephone Number: 0330 414 6421.

Yours sincerely



**Wayne Tannahill**  
**Associate Director of Capital, Estates and Property**

Rydym yn croesawu derbyn gohebiaeth yng Nghymraeg. Byddwn yn ateb y fath ohebiaeth yng Nghymraeg ac ni fydd hyn yn arwain at oedi.

We welcome receiving correspondence in Welsh. We will reply to such correspondence in Welsh and this will not lead to a delay.