

Request for copy of winning tender for Lawrence Oliver Park

Legislation	Local Government Official Information and Meetings Act 1987, s 7(2)(b)(ii)
Agency	Western Bay of Plenty District Council
Ombudsman	Beverley Wakem
Case number(s)	318802
Date	May 2012

Release would enable competitors to anticipate winning tenderer's strategy in future bids, which would unreasonably prejudice their commercial position—s 7(2)(b)(ii) applies

An unsuccessful tenderer requested information about the winning tender for Lawrence Oliver Park. The Western Bay of Plenty District Council disclosed the total tender price, but withheld a copy of the winning tender submission under section 7(2)(b)(ii) of the LGOIMA (unreasonable commercial prejudice). The requester complained to the Chief Ombudsman.

The Chief Ombudsman concluded that section 7(2)(b)(ii) applied. Disclosing the tender submission would enable the winning tenderer's competitors to anticipate their strategy in future bids. They could then take steps to undermine that strategy or bolster their own, which would be likely unreasonably to prejudice the winning tenderer's commercial position.

The Chief Ombudsman did not consider that the public interest in disclosure of the winning tender submission outweighed the need to withhold it. The public interest had been met by disclosure of the winning tender price.

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