

Our ref: 763, 828

Your ref:

[REDACTED]

[REDACTED]

via E-mail

cc:

From:

[REDACTED]

GTN:

[REDACTED]

13 July 2018

Dear [REDACTED]

RESPONSE TO YOUR FOI REQUEST 763,828

I refer to your request under the Freedom of Information Act 2000 on 26/6/18 relating to Contract granularity breakdown.

I am writing to advise you that, following a search of our electronic [*and paper*] records, I have established that some of the information you requested is not held by Highways England.

You requested the following information –

I ask to be given the granularity breakdown detail you get. The contract includes:-

Third Party Claims handled by the Provider

Service Information Chapter 1.9 & Annex 23 Report detailing, for each claim, the amount claimed from third parties, a calculation of Defined Cost and resulting Third Party Claims Overhead, the amount recovered, an explanation of any differences between any of these amounts, and explanation of why any loss greater than Defined Cost has been claimed.

Highways England does not hold the granular level of information requested for below threshold Damage to Crown Property claims.

What are the amounts with fee and what are the fees for below threshold green claims and over threshold green claims?

We consider the disclose fee information exempt under Section 43 (commercial interests) of the Freedom of Information Act (FOIA), a similar request was made recently and the Public Interest Test (PIT) concluded that there are compelling arguments which support withholding the information which outweigh those supporting release. I have reviewed the PIT in light of your new request and it is still relevant. The full response including the PIT result is published in our Disclosure Log on the

Highways England's website and can be viewed here - <https://www.gov.uk/government/publications/request-for-asset-support-contract-information>

What do you mean by Defined Cost?

The definition of Defined Cost varies slightly from contract to contract, below is the definition from the Asset Support Contract in Area 10:

Defined Cost is:

- the amount of payments due to Subcontractors for work which is subcontracted without taking account of amounts deducted for
- payments to Others and
- the supply of equipment, supplies and services included in the charge for overhead costs incurred within the Working Areas in this contract and
- the cost of the components in Schedule 1 for other work

less

- the cost of preparing quotations for compensation events where the work affected forms part of the Lump Sum Duties and
- Disallowed Cost.

If you are unhappy with the way we have handled your request you may ask for an internal review. Our internal review process is available at:

<https://www.gov.uk/government/organisations/highways-england/about/complaints-procedure>

If you require a print copy, please phone the Information Line on 0300 123 5000; or e-mail info@highwaysengland.co.uk. You should contact me if you wish to complain.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

If you have any queries about this letter, please contact me. Please remember to quote reference number 763,828 in any future communications.

Yours sincerely

