Northamptonshire council

**Tender for consultancy services deenethorpe airfield garden village**

**Tender – DOCUMENT Four**

**Response Document: To be Completed and Returned**

When completed, please return **one hard copy and a copy electronically saved on a CD** ofthe response document (Document Four).

Please ensure that Appendices 1, 2 and 3 are completed.

Please mark envelopes/packages:

“**Tender Response: consultancy services deenethorpe garden village Lot …. (Private and Confidential)**” ***and add which Lot or Lots you are bidding for*** - but no company markings – and address to:

**FAO Andrew Longley,**

Head of the North Northamptonshire Joint Planning Unit,

C/o The Chief Executive

East Northamptonshire Council

Cedar Drive

Thrapston

Northamptonshire

NN14 4LZ

|  |
| --- |
| **To be received no later than Noon Friday 10th March 2017**  **Late submissions will be disregarded.** |

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**STANDARD SELECTION QUESTIONNAIRE (SQ)**

**1** **POTENTIAL SUPPLIER INFORMATION**

|  |  |  |
| --- | --- | --- |
| **Question No.** | **Question** | **Response** |
| 1.1 (a) | Full name of the potential supplier submitting the information |  |
| 1.1 (b) (i) | Registered office address  (if applicable) |  |
| 1.1 (b) (ii) | Registered website address  (if applicable) |  |
| 1.1 (c) | Trading Status:  i) public limited company  ii) limited company  iii) limited liability partnership  iv) other partnership  v) sole trader  vi) third sector  vii) other (please specify) |  |
| 1.1 (d) | Company/charity registration number (if applicable) |  |
| 1.1 (e) | Are you a Small, Medium or Micro Enterprise (SME)? | Yes  No |
| 1.1 (f) | Contact details for person completing the form:  i) Name  ii) Position in Organisation  iii) Phone number  iv) Email address |  |

**2 GROUNDS FOR EXCLUSION**

|  |  |  |
| --- | --- | --- |
| **Question No.** | **Question** | **Response** |
| 2.1 (a) | Regulations 57(1) and (2):  The detailed grounds for exclusion are set out on this [web page](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions.  Please indicate if, within the past five years you, your organisation or any other person who has powers of representation, decision or control in the organisation has been convicted anywhere in the world of any of the offences within the summary below and listed on the [web page](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf). | |
| Participation in a criminal organisation | Yes  No  If yes, please provide details in 2.1 (b) |
| Corruption | Yes  No  If yes, please provide details in 2.1 (b) |
| Fraud | Yes  No  If yes, please provide details in 2.1 (b) |
| Terrorist offences or offences linked to terrorist activities | Yes  No  If yes, please provide details in 2.1 (b) |
| Money laundering or terrorist financing | Yes  No  If yes, please provide details in 2.1 (b) |
| Child labour and other forms of trafficking in human beings | Yes  No  If yes, please provide details in 2.1 (b) |
| Breach of environmental obligations? | Yes  No  If yes, please provide details at 2.1 (b) |
| Breach of social obligations? | Yes  No  If yes, please provide details at 2.1 (b) |
| Breach of labour obligations? | Yes  No  If yes, please provide details at 2.1 (b) |
| Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation’s assets are being administered by a liquidator or by the court, where it is an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the law and regulations of any State? | Yes  No  If yes, please provide details at 2.1 (b) |

|  |  |  |
| --- | --- | --- |
|  | Guilty of grave professional misconduct? | Yes  No  If yes, please provide details at 2.1 (b) |
| Entered into agreements with other economic operators aimed at distorting competition? | Yes  No  If yes, please provide details at 2.1 (b) |
| Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure? | Yes  No  If yes, please provide details at 2.1 (b) |
| Been involved in the preparation of the procurement procedure? | Yes  No  If yes, please provide details at 2.1 (b) |
| Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions? | Yes  No  If yes, please provide details at 2.1 (b) |
| Has it been established, for your organisation, by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which the organisation is established (if outside the UK) that the organisation is in breach of obligations related to the payment of tax or social security contributions?  If ‘yes’, please also confirm that you have paid, or have entered into a binding arrangement with a view to paying, the outstanding sum including where applicable any accrued interest and /or fines. | Yes  No |
| 2.1 (b) | If you have answered ‘yes’ to any of the above, explain what measures have been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion (self cleaning) |  |

**3** **ECONOMIC AND FINANCIAL STANDING**

|  |  |  |
| --- | --- | --- |
| **Question No.** | **Question** | **Response** |
| 3.1 | Are you able to provide a copy of your audited accounts for the last two years, if requested?  If no, can you provide one of the following (answer with a ‘yes’ or ‘no’ in the relevant box):   1. A statement of the turnover, Profit and Loss Account, Income Statement, Balance Sheet/Statement of Financial Position and Statement of Cash Flow for the most recent year of trading for this organisation 2. A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position 3. Alternative means of demonstrating financial status if any of the above are not available (e.g. forecast of turnover for the current year and a statement of funding provided by the owners and/or bank, charity accruals accounts or an alternative means of demonstrating financial status). | Yes  No  Yes  No  Yes  No  Yes  No |
| 3.2 | Where we have specified a minimum level of economic and financial standing and/or a minimum financial threshold within the evaluation criteria for this procurement, please self certify by answering ‘yes or ‘no’ that you meet those requirements [No minimum financial threshold specified] | Yes  No |
| 3.3 | If applicable, are you able to provide parent company accounts if requested at a later stage? | Yes  No  N/A |
| 3.4 | If applicable, would the parent company be willing to provide a guarantee if necessary? | Yes  No  N/A |
| 3.5 | If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank)? | Yes  No |

**4 TECHNICAL AND PROFESSIONAL ABILITY**

4.1 Please provide details of up to three contracts, in any combination from either the public or private sector; voluntary, charity or social enterprise (VSCE) that are relevant to our requirement. VCSEs may include examples of grant funded work. Contracts for supplies or services should have been performed during the last three years. Works contracts may be from the last five years.

The named contact provided should be able to provide written evidence to confirm the accuracy of the information provided below.

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Contract 1** | **Contract 2** | **Contract 3** |
| Name of Customer organisation |  |  |  |
| Point of contact in the organisation |  |  |  |
| Position in the organisation |  |  |  |
| Email address |  |  |  |
| Phone no. |  |  |  |
| Description of contract |  |  |  |
| Contract start date |  |  |  |
| Contract completion date |  |  |  |
| Estimated contract value |  |  |  |

Where you cannot provide at least one example for question 4.1, in no more than

500 words please provide an explanation for this, e.g. your organisation is a new start-up or you have provided services in the past but not under contract.

|  |
| --- |
|  |

|  |  |
| --- | --- |
| 4.2 | Where you intend to sub-contract a proportion of the contract, please demonstrate how you have previously maintained healthy supply chains with your sub-contractor(s).  Evidence should include, but not be limited to, details of your supply chain management tracking systems to ensure performance of the contract and prompt payment or membership of the UK Prompt Payment Code (or equivalent) |
| **Response:** | |

**5 REQUIREMENTS UNDER MODERN SLAVERY ACT 2015**

|  |  |  |
| --- | --- | --- |
| **Question No.** | **Question** | **Response** |
| 5.1 | Are you a relevant commercial organisation as defined by section 54 (Transparency in supply chains etc.) of the Modern Slavery Act 2015 (i.e., an organisation with a turnover >£36m) | Yes  No |
| 5.2 | If you have answered ‘yes’ to question 5.1, are you compliant with the annual reporting requirements contained within section 54 of the Modern Slavery Act 2015 | Yes  Please provide the relevant URL  No  Please provide an explanation |

**6 ADDITIONAL QUESTIONS**

|  |  |  |
| --- | --- | --- |
| **Question No.** | **Question** | **Response** |
| **6.1** | **Insurance:**  Please self certify whether you already have or are able to obtain, prior to the commencement of the contract the levels of insurance cover indicated below.  Employers (Compulsory) Liability Insurance\* = £5m  Public Liability Insurance = £ 1m  Professional Indemnity Insurance = £ 1m  Product Liability Insurance = £ n/a  \* It is a legal requirement that all companies hold Employer’s (Compulsory) Liability Insurance of £5 million as a minimum. Please note that this requirement does not apply to Sole Traders. | Yes  No  Yes  No  Yes  No  Yes  No |

|  |  |  |
| --- | --- | --- |
| **Question No.** | **Question** | **Response** |
| **6.2** | **Health and Safety** |  |
| 6.2 (a) | Does your company have a formal health and safety policy or statement? | Yes  No |
| 6.2 (b) | Does your company have a health and safety system accredited to BS8800 or equivalent? | Yes  No |
| 6.2 (c) | Does your company have a specific director, partner or other person responsible for the implementation of your company’s health and safety policy.  If ‘yes’, please provide details | Yes  No |
| 6.2 (d) | Does your company employ a full time health and safety professional or health and safety consultant?  If ‘yes’, please provide details of the qualifications, experience and any membership of an appropriate professional body. If ‘no’, please indicate who provides advice on health and safety | Yes  No |
| 6.2 (e) | Does your organisation provide health and safety training to:  i) staff?  ii) sub-contractors?  If ‘yes’, please provide details of the content and type of training, e.g. induction, management, task specific etc | Yes  No |
| 6.2 (f) | Does your company maintain accident records? | Yes  No |
| 6.2 (g) | Do you consult staff on health and safety matters?  If ‘yes’, please describe how | Yes  No |
| 6.2 (h) | Do you undertake risk assessments?  If ‘yes’, please provide brief details? | Yes  No |

|  |  |  |
| --- | --- | --- |
| 6.2 (i) | Has your organisation, over the past 5 years, been or is in the process of being investigated/ prosecuted for any health and safety offence?  If ‘yes’, please provide details | Yes  No |
| 6.2 (j) | Has your organisation, over the past 5 years, been or is in the process of having any civil action brought against it for any health and safety offence?  If ‘yes’, please provide details | Yes  No |
| 6.2 (k) | Has your organisation been served with any prohibition/ improvement notices for breaches of health and safety legislation in the past 3 years?  If ‘yes’, please provide details including subsequent action taken by the organisation | Yes  No |

|  |  |  |
| --- | --- | --- |
| **Question No.** | **Question** | **Response** |
| **6.3** | **Environmental Management** |  |
| 6.3 (a) | Does your organisation have a policy regarding the safe management of the environment?  If ‘yes’, please provide its key features in relation to the delivery of this contract. | Yes  No |

|  |  |  |
| --- | --- | --- |
| **Question No.** | **Question** | **Response** |
| **6.4** | **Equal Opportunities** |  |
| 6.4 (a) | Do you have an Equality and Diversity/Human Rights Policy or statement which complies with your statutory obligation under UK/EU equalities and discrimination legislation (or equivalent legislation and regulations in the countries where you employ staff)?  If ‘yes’, please summarise the key details of this policy as they relate to the treatment of **customers/ service users as well as employees?** | Yes  No |

|  |  |  |
| --- | --- | --- |
| 6.4 (b) | In the past 3 years has any claim or finding of unlawful discrimination or harassment been made against your organisation by any court or industrial tribunal or equivalent body?  If ‘yes’, please give details | Yes  No |
| 6.4 (c) | In the past 3 years has your organisation been the subject of formal investigation by the Equality and Human Rights Commission or equivalent body?  If ‘yes, please give details. | Yes  No |
| 6.4 (d) | Does your organisation have a grievance process and practice that covers complaints made in respect of equalities and diversity?  If ‘yes’, please provide brief details | Yes  No |
| 6.4 (e) | Does your organisation hold any Equality awards or is it working towards achieving any this year?  If ‘yes’, please provide brief details. | Yes  No |

**7** **DECLARATION**

I declare that to the best of my knowledge the answers submitted to these questions are correct. I understand that the information will used in the selection process to assess my organisation’s suitability to be invited to participate further in this procurement, and I am signing on behalf of …………………… (**Insert name of Supplier**).

I understand that the Council may reject my submission if there is a failure to answer all relevant questions fully or if I provide false/misleading information

I also declare that there is no conflict of interest in relation to the Council’s requirement.

**SQ Completed by:**

|  |  |
| --- | --- |
| 7.1 Name |  |
| 7.2 Role in Organisation |  |
| 7.3 Date |  |
| 7.4 Signature |  |

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**TENDER SUBMISSION**

**Please note that only those organisations which pass the standard Selection Questionnaire (SQ) will have their Tenders evaluated.**

Please see Document One for details on how responses will be evaluated.

Please type your responses in Arial 12 point. Thank you.

**QUALITY (50%)**

**Lot 1 - Masterplanning co-ordination and capacity support. Up to 50 days’ input.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Question 1:** | 37.5% | **Word limit:** | 300 plus CVs |
| How will you and/or your team provide industry-leading skills and experience to support the local planning authority in shaping the Garden Village masterplan and design codes and in considering the subsequent planning application (with reference to JCS Policy 14)? | | | |
| **Answer:** | | | |
| **Question 2:** | 12.5% | **Word limit:** | 100 |
| How will you ensure that you and/or your team provide constructive and practical advice in the context of market conditions in Northamptonshire? | | | |
| **Answer:** | | | |

**LOT 2 - DESIGN REVIEW OF MASTERPLAN, DESIGN CODES AND PLANNING APPLICATION, WITH UP TO 6 MEETINGS OF PANEL DURING 2017/18.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Question 1:** | 37.5% | **Word limit:** | 300 plus CVs |
| How will your organisation arrange and manage a multi-disciplinary panel, with industry-leading skills and experience, to provide impartial, constructive and expert advice in accordance with the ten principles of design review? <http://www.designcouncil.org.uk/resources/guide/design-review-principles-and-practice> | | | |
| **Answer:** | | | |
| **Question 2:** | 12.5% | **Word limit:** | 100 |
| How will you ensure that the Review Panel provides constructive and practical advice in the context of market conditions in Northamptonshire? | | | |
| **Answer:** | | | |

**LOT 3 - EXPERT MULTI-DISCIPLINARY DESIGN INPUT. UP TO 40 DAYS’ INPUT ASSUMING 8 DAYS EACH FOR UP TO 5 EXPERTS.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Question 1:** | 37.5% | **Word limit:** | 300 plus CVs |
| How will your team provide industry-leading skills and experience to support the local planning authority in shaping the Garden Village masterplan and design codes and in considering the subsequent planning application (with reference to JCS Policy 14)? | | | |
| **Answer:** | | | |
| **Question 2:** | 12.5% | **Word limit:** | 100 |
| How will you manage the input of your team to provide a flexible resource to the local planning authority, ensuring timely access to expertise, whilst also managing costs? | | | |
| **Answer:** | | | |

## PRICE (50%)

Please complete the following Pricing Schedule for each Lot tendered for, ensuring that you have provided a cost in each of the relevant boxes. All prices quoted should exclude VAT. You may adjust the size of the text boxes to suit your response and components can be sub-divided as appropriate.

NB: The number of days input stated below are indicative and are used for the purposes of comparing bids. The actual requirement both in terms of the number of days input and the skill levels, experience and seniority of the consultants required will be at the sole discretion of the Council.

Please specify:

1. Who will work on each Lot, including the lead consultant who will act as the main point of contact and coordinate the input of others. **Details of relevant qualifications and experience of all personnel involved should be included with your tender.**
2. The day rate that would apply for each person for the duration of the contract (for a standard 7.5 hour day).
3. An indicative time input for each person over the duration of the contract (within the indicative totals provided), taking account of the lead consultant role.
4. An indication of travel expenses for each person based on a return trip to East Northamptonshire Council NN14 4LZ.
5. Any additional costs likely to be incurred in delivering these services to the Council. These must be identified in the table below as additional costs which are not identified at this stage cannot be charged for during the Contract Term unless by the express agreement of the Council.
6. For the avoidance of doubt, the price that you enter under ‘Tender price’ for the applicable Lot (1, 2 or 3) in the relevant section of each of the tables below, unless otherwise stated, will be treated as the total price that you have tendered for that Lot and this price will be used to calculate your percentage score for the ‘Price’ criterion for the Lot in question.

**Lot 1 –**

**Masterplanning co-ordination & capacity support: Up to 50 days’ input.**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Consultant providing input** | **Day rate (£)** | **Assumed days/Frequency of input by 31/3/18** | **Sub-total consultancy** | **Travel expenses (one return journey x assumed days input)** | **Sub Total** |
| *e.g., Senior Urban Designer* | *£400* | *30* | *£12,000* | *£300* | *£12,300* |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
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|  |  |  |  |  |  |
| **Additional costs (please specify)** |  |  |  |  |  |
| *e.g., Data analysis report* | *£1,500* | *-* | *-* | *-* | *£1,500* |
|  |  |  |  |  |  |
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|  |  |  |  |  |  |
| **Grand total (Tender price for Lot 1)** |  |  |  |  |  |

**LOT 2 –**

**Design Review of masterplan, design codes and planning application, with up to 6 meetings of Panel during 2017/18.**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Half-day £** | **Full-day £** | **6 Full days £ (6 panels)\*** |
| **Cost of single Design Panel meeting (assume 4-6 Panel Members), including administration, travel costs and provision of post-review letter (accommodation for meeting to be provided)** |  |  |  |

**\*Cost of structured programme of 6 Design Panel meetings over 12 month period (assume 4-6 Panel Members), including administration, travel costs and provision of post-review letter (accommodation for meeting to be provided) = Tender price for Lot 2**

|  |  |
| --- | --- |
| **Panel Member providing input** | **Area of expertise (please enclose a short CV for every panel member with your tender)** |
|  |  |
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**LOT 3 -**

**Expert multi-disciplinary design input: Up to 40 days’ input assuming 8 days each for up to 5 experts.**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Consultant providing input** | **Day rate (£)** | **Assumed days/Frequency of input by 31/3/18** | **Sub-total consultancy** | **Travel expenses (one return journey x assumed days input)** | **Sub Total** |
| *e.g., Senior Urban Designer* | *£400* | *30* | *£12,000* | *£300* | *£12,300* |
|  |  |  |  |  |  |
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|  |  |  |  |  |  |
| **Additional costs (please specify)** |  |  |  |  |  |
| *e.g., Data analysis report* | *£1,500* | *-* | *-* | *-* | *£1,500* |
|  |  |  |  |  |  |
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|  |  |  |  |  |  |
| **Grand total (Tender price for Lot 3)** |  |  |  |  |  |

**Appendix 1: Form of Tender**

Date: ..........................................

**East Northamptonshire Council**

**Tender for Consultancy Services: Deenethorpe Airfield Garden Village**

I/We the undersigned, hereby tender and offer to provide the Contract as listed above which is more particularly referred to in the Invitation to Tender supplied to me/us for the purpose of tendering for the provision of the Contract and upon the terms thereof.

I/We undertake in the event of acceptance of our Tender to execute the Contract within 15 business days of such acceptance and if required in the interim provide the Contract in accordance with the Contract if necessary.

I/We understand that the Council reserves the right to accept or refuse this Tender whether it is lower, the same, or higher than any other Tender.

I/We confirm that the information supplied to you and forming part of this Tender including (for the avoidance of doubt) any information supplied to you as part of my/our initial expression of interest in tendering, was true when made and remains true and accurate in all respects.

I/We confirm that this Tender will remain valid for 90 days from the date of this Form of Tender.

I/We confirm and undertake that if any of such information becomes untrue or misleading that I/we shall notify you immediately and update such information as required.

I/We confirm that the undersigned are authorised to commit the Bidder to the contractual obligations contained in the Invitation to Tender and the Contract.

Signed by:

Name…………………………………….

Position………………………………….

Name…………………………………….

Position………………………………….

for and on behalf of

………………………………………………………………………………………(Bidder)

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**APPENDIX 2: COLLUSIVE TENDERING CERTIFICATE**

We certify that this is a bona fide tender, and that we have not fixed or adjusted the amount of the tender by or under or in accordance with any agreement or arrangement with any other person. We also certify that we have not done so and we undertake that we will not do so at any time before the hour and date specified for the return of this tender any of the following acts:

1. Communicating to a person other than the person calling for these tenders the amount or approximate amount of the proposed tender, except where the disclosure, in confidence, of the approximate amount of the tender was necessary to obtain insurance premium quotations required for the preparation of the tender;
2. Entering into agreement or arrangement with any other person that he shall refrain from tendering or as to the amount of any tender to be submitted;
3. Offering or paying or giving or agreeing to any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation of any tender or proposed tender for that said work or thing of any sort described above.

In this certificate, the word ‘person’ includes any persons and any body or association, corporate or unincorporated; and ‘any agreement or arrangement’ includes any such transaction, formal or informal, whether legally binding or not.

SIGNED: ………………………………………………………………………..

NAME: …………………………………………………………………………

ON BEHALF OF:……………………………………………………………………

DATE: …………………………………………………………………………

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**APPENDIX 3: CONFIDENTIAL & COMMERCIALLY SENSITIVE INFORMATION**

**The following form should be submitted with all bids to indicate areas of the submission that are considered to be either *confidential* or *commercially sensitive*.**

**Confidential material** is as defined in Section 41 of the Freedom of Information Act, 2000 (FoI) where the disclosure of the information would constitute an actionable breach of confidence.

**Commercially sensitive** material is as defined in Section 43 of the FoI Act and relates to *‘information, the disclosure of which would be likely to prejudice the commercial interests of any person’*.

Bidders should make themselves aware of the definition of each term as well as the circumstances in which FoI & Environmental Information Regulations 2004 (EIR) exemptions apply.

**Confidential Material Checklist**

|  |
| --- |
|  |

Name of Organisation:

Confidential documents not for disclosure to third parties under the FoI & EIR. The Council may be obliged to disclose information in or relating to this bid following a request for information under FoI or EIR therefore please outline in the table below all items which you consider are genuinely confidential and which are not for disclosure in respect of your application.

|  |  |  |
| --- | --- | --- |
| **Information / Document** | **Reference / Page No.** | **Reasons for non-disclosure** |
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The applicant acknowledges that the confidential information listed in this schedule is of indicative value only and the Council may be obliged to disclose it following a request under FOI or EIR.

The Council shall act reasonably and use its discretion, ensuring that the latest guidance/case law is taken into account, when making a decision to release or withhold information pertaining to the above if it is requested. By indicating what information believed to be confidential the Council will consider those views however the Council will make the final decision to disclose information or not.

**Commercially Sensitive Material Checklist**

**Commercially sensitive documents not for disclosure to third parties under FoI or EIR**

|  |
| --- |
|  |

Name of Organisation:

The Council may be obliged to disclose information in or relating to this bid exercise following a request for information under FoI or EIR therefore please outline in the table below items which are considered genuinely commercially sensitive and which are not for disclosure in respect of this bid.

|  |  |  |  |
| --- | --- | --- | --- |
| Information / Document | Reference / Page No. | Reasons for non-disclosure (cite exemption(s) to be considered) | Duration of confidentiality |
|  |  |  |  |
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|  |  |  |  |

The applicant acknowledges that the commercially sensitive information listed in this schedule is of indicative value only and the Council may be obliged to disclose it pursuant to a request under FOI or EIR.

The Council shall act reasonably and use its discretion, ensuring that the latest guidance/case law is taken into account, when making a decision to release or withhold information pertaining to the above if it is requested. By indicating what information is believed to be commercially sensitive the Council will consider those views however the Council will make the final decision to disclose information or not.

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