



4 February 2021

██████████

Sent via email to ██████████

Dear ██████████

REQUEST FOR OFFICIAL INFORMATION – EXTENSION OF TIME REQUIRED TO REACH A DECISION / SOME INFORMATION DOESN'T EXIST / NOTIFICATION OF SUBSTANTIAL COLLATION AND RESEARCH AND THE NEED FOR CONSULTATION

Thank you for your request for official information dated 2 December 2020. You requested the following information from the Queenstown Lakes District Council (QLDC):

- On how many occasions have QLDC staff/managers made **direct appointments** of:
 1. Former QLDC staff and managers? and
 2. Other suppliers and contractors and what procurement plans were approved in each case? (With copies of those procurement plans, as well as requests, and responses, for General Manager sign off of those procurement plans).

On 21 January 2021, we extended the time to respond to the above request. The new due date is 18 February 2021.

On 16 December 2020, you requested the following information from QLDC:

3. A list of all consultants or contractors where the **total spend** was more than \$50,000 since 2016 where there was no bid or tender process – in other words direct appointments, and
4. The associated procurement documentation that is linked to each direct appointment – as well as details of the total spend, and
5. If procurement processes were not followed, as prescribed by QLDC's 2016 Procurement Policy and Guidelines, can you give us a detailed examination as to why this was not the case?

The Local Government Official Information and Meetings Act 1987 (LGOIMA) requires that we advise you of our decision on your request no later than 20 working days after the day we received your request. We have decided to combine your above request with your other related request; they will be treated as one request. We are therefore extending the time to make our decision on your subsequent request to 18 February 2021.

This extension is necessary for the following reasons:

- Your request necessitates a search through a large quantity of information and meeting the original time limit would unreasonably interfere with our operations, and
- Consultations necessary to make a decision on your request are such that a proper response cannot be reasonably made within the original time limit.

A partial response to this combined information request is detailed below.

QLDC response

On how many occasions have QLDC staff/managers made **direct appointments** of:

1. *Former QLDC staff and managers?*

Note that in response to this request we have assumed that you are referring to direct appointments of contractors or consultants, not employed positions at QLDC.

We are unable to answer this part of your request because the data you have requested does not exist. When staff procure work from contractors or consultants, data is not captured on whether or not the contractor or consultant (or staff working for the contractor or consultant), worked for QLDC at some point during their career. We therefore need to decline this part of your request under section 17(e) of the LGOIMA. Section 17(e) of the LGOIMA provides that requests for information may be refused if the document alleged to contain the information requested does not exist. This applies in this case.

Note that we do have a policy on engaging former employees as contractors, to ensure that conflicts of interest are avoided. See the link below. General Manger sign-off is required if a past employee were to be hired within six months of their employment ending with QLDC.

[Engagement of Contractors and Consultants policy](#)

2. *Other suppliers and contractors and what procurement plans were approved in each case? (With copies of those procurement plans, as well as requests, and responses, for General Manager sign off of those procurement plans).*

We extended the time to respond to your request, so we could sufficiently explore whether or not we could answer this part of your request. Information has been sourced from both our Finance team and our Records Management team to determine the number of QLDC's suppliers and contractors, over the past four plus years. After doing this research and consulting with necessary staff, it has been determined that QLDC procures hundreds of suppliers and contractors annually, and if we were to identify which had been 'directly appointed', a manual task would need to be undertaken to match procurement plans with financial lists of contractors / suppliers. This would be an administrative burden for all involved.

We therefore need, at this stage, to decline this part of your request in accordance with section 17(f) of the LGOIMA; the information requested cannot be made available without substantial collation or research.

We must consider consulting with requesters, if we decide to decline a request, or part of a request, under section 17(f) of the LGOIMA. We are therefore writing this letter, two weeks prior to our extended due date of 18 February 2021, to enable sufficient consultation time. We ask that you reconsider this part of your request, by attempting to remove the administrative barrier that has been discussed above. Being more specific as to the exact information that you seek, may enable us to respond to your request. Please get back to us as soon as you can, so that we have sufficient time

to address any subsequent request you may have. We will aim to respond to you by 18 February 2021.

3. *A list of all consultants or contractors where the **total spend** was more than \$50,000 since 2016 where there was no bid or tender process – in other words direct appointments.*

For this question, we are extending the time to respond to enable further conversations with relevant staff, and conduct further research, on the viability of answering this question. We have sought from our Finance team, a list of suppliers / contractors where the total annual spend was more than \$50,000. From 1 July 2016 till now, there have been some 555 vendors where the spending was more than \$50,000 (GST excluded). Within this, there were then 1,126 purchase order numbers that were greater than \$50,000. Like in question two, to then determine which of these contracts were 'direct appointments', a manual task would need to be undertaken, like that described above. We therefore need to, at this stage, to decline this part of your request under section 17(f) of the LGOIMA. We ask that you consider being more specific in your question, so we can more readily collate the information sought.

Note we acknowledge that your question is referring to contracts where the total spend was more than \$50,000 over the period since 2016. We have at this stage only looked at contracts where the annual spend was more than \$50,000, as this will alone give you an idea of the amount of information you have requested.

4. *The associated procurement documentation that is linked to each direct appointment – as well as details of the total spend.*

This question cannot be answered without first responding to question three. We'll wait to respond to this part of your request, once we've heard back from you regarding our consultation queries above.

5. *If procurement processes were not followed, as prescribed by QLDC's 2016 Procurement Policy and Guidelines, can you give us a detailed examination as to why this was not the case?*

We will respond to this question when we respond properly to all of the questions detailed above.

Commercial sensitivity concerns

We would like to notify you, and be transparent with you, about some commercial sensitivity concerns that we have surrounding the release of information that you may seek, in relation to specific suppliers and the work they have conducted for QLDC.

Our concern has arisen in light of the previous use, by you, of official information relating to the company ZQN.7 Limited. Some information released to you, has been used in a way that arguably impacts the reputation of the staff who work for ZQN.7 Limited, and the company itself. For this reason, we will be cautious going forward regarding the release of any information that relates to a specific company of interest to you.

The first step we will take, if you do require information on a particular supplier, will be to contact the supplier of which you seek information on and notify them of the specific information that has been sought. In the first instance, we will keep the identity of the requester confidential, however, in

your case, we can advise the third party that the request has come from the media. If the supplier requests the exact identity of the requester, then we need your consent before providing this information. We therefore ask that if you subsequently request more specific information in line with our consultation steps above, that you also provide your consent to disclose your identity (if your request requires us to undertake third party consultation).

Note we will then place conditions on the release of any subsequent information that we determine to be appropriate for release. We will also commence proactively releasing some responses we write to you, in accordance with our [Proactive Release](#) policy. This is to ensure we maintain a high level of transparency when releasing official information to you. Please note that we will commence this commitment by sharing this response on our Proactive Release web page.

Next steps

Please email informationrequest@qldc.govt.nz with further specifics in relation to the requests we've identified in this letter as requiring substantial collation and research.

Right to review the above decision

Note that you have the right to seek an investigation and review by the Ombudsman of this decision. Information about this process is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please contact Naell.Crosby-Roe@qldc.govt.nz (Governance, Engagement & Communications Manager).

We trust this response satisfactorily answers your request.

Regards,

A handwritten signature in black ink, appearing to be 'Maddy Patterson', with a long horizontal line extending to the right.

Maddy Patterson
Senior Governance and Official Information Advisor