

Ref no: 428300916  
From: Press  
Date: 30/09/16  
Subject: Private Finance Initiative contracts.

## REQUEST

This is a request under the Freedom of Information Act.

Please could you supply me with the following information regarding the trust's Private Finance Initiative contracts.

Please provide information for each PFI hospital or unit within the trust.

1. Any performance adjustments deducted from the yearly unitary charge in respect of each hospital. Please include deductions planned but not yet made and those sought but in dispute.
2. Any other deductions/payments made under the PFI contract regarding defects including, but not limited to, those made by the Trust and the special purpose vehicle/project company.
3. The number of disputes concerning defects/deductions, resolved or otherwise, and whether they went to mediation, adjudication or court.
4. The sections/clauses of the PFI contract pertaining to deductions made in respect to defects, how much they can be and in which circumstances they can be made.
5. The sections/clauses regarding termination of the contract and the powers the trust has in this situation.

If it is quicker for you to provide the whole contract, rather than find and send sections, I'm happy with the whole contract.

Please provide information for every financial year from completion of construction onwards.

If providing this data would take the request over the cost limit set out by the freedom of information act, please provide as many years of data possible up to that limit.

I would be grateful if you could supply the information as soon as possible.

If you are able to supply some parts of this information more quickly than others, please supply each item as soon as it is available.

If you are able to supply some parts of this information but not others, please supply what you can.

Please email the information to me at [francesca.williams@bbc.co.uk](mailto:francesca.williams@bbc.co.uk).

If I can help to clarify this request please contact me at the above email address.

If you are unable to provide this information, please would you tell me how I can refine my request to make the information easier to find.

If some of this information is already available online, please would you send me its URL.

## RESPONSE

Please provide information for each PFI hospital or unit within the trust.

- 1 & 2. All performance and defect/deduction payments are made in accordance with Pay Mechanism schedules 18 and 18A. Payments and the schedules are all classed under Section 35 Commercially Sensitive Information of our PFI contract and disclosing these would put us in breach of the terms and conditions our agreement.
3. The Trust has had no formal disputes with Project Co concerning defects or deductions throughout the life of the PFI Contract
4. Our Private Finance Initiative is based on the Department of Health Standard Form Project Agreement (version 3) in place in 2004 including the clauses pertaining to deductions made in respect to defects, and is available directly from them.
5. Similarly, the clauses regarding termination of the contract and the powers the Trust has in this situation is as per the Department of Health Standard Form Project Agreement (version 3) in place in 2004