

17 October 2022

s9(2)(a)



Thank you for your email of 26 September 2022 to Kāinga Ora Homes and Communities, requesting the following information under the Official Information Act, 1982 (the Act):

*Hi Kainga Ora, under the provisions of the OIA please tell me how many times you have relied on exemption 9c, contained in Government Procurement rules, in awarding a contract without seeking competitive bids.*

*Please provide the value of each relevant contract, the date, and a brief description of the work purchased.*

*My request covers the period Oct 1, 2019 to today.*

*For clarity, “valid exemption” to Government Procurement Rules 9(c) reads as follows:*

**Only one supplier:** *If the goods, services or works can be supplied by only one supplier and there is no reasonable alternative or substitute because:*

1.
  - i. *for technical reasons there is no real competition, or*
  - ii. *the procurement relates to the acquisition of intellectual property or rights to intellectual property (including patents or copyrights), or other exclusive rights, or*
  - iii. *the procurement is for a work of art.*

Kāinga Ora – Homes and Communities does not centrally record 9(c) exemption information for procurement contracts. Satisfying this request would require manual checking of each contract that Kāinga Ora has entered into in the last 12 months. Kāinga Ora enters into roughly 6,000+ contracts for supply each year. As the timeline for your request goes back to October 2019, this will amount to going through 18,000+ contracts, covering multiple working areas across Kāinga Ora; i.e. contractors, builders, consultants, suppliers, services providers across ICT, business services, construction, etc.

Reviewing all such contracts manually would remove Kāinga Ora staff from their core duties for a substantial period of time, and therefore the greater public interest in the effective and efficient administration of the public service would not be served. Section 12(2) of the Act requires that official information requested shall be specified with due particularity in the request.

Therefore we are refusing your request in full under section 18(f) of the Act, as the information requested cannot be made available without substantial collation or research.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Please note that Kāinga Ora proactively releases our responses to official information requests where possible. Our response to your request may be published at <https://kaingaora.govt.nz/publications/official-information-requests> with your personal information removed.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'C McDowall', written in a cursive style.

Caroline McDowall  
**General Manager, Commercial**