



Our Reference:

BY EMAIL ONLY

27 February 2015

Dear

**Request for Information**

Thank you for your email of 3 February 2015 requesting information on the Homes and Communities Agency (HCA) Engineering Panel 2010-2014, reference number 2010/S 62-092413. For ease of reference we have answered each part of your request in turn, below:

**“I would be most grateful if you would provide me, under the Freedom of Information Act, details in respect of the following framework agreement(s)/contract(s):  
Framework Agreement Contract  
UK-Milton Keynes: engineering services  
Date of Contract  
Date Published: 30 March 2010**

- 1. Suppliers who applied for inclusion on each framework/contract below and were successful & not successful at the PQQ & ITT stages.**

Attached to this letter is a spreadsheet which details the successful and applicants at both the PQQ and ITT stages. We can confirm that we also hold the requested information of the unsuccessful bidders; however we have determined that disclosure of this information would cause adverse effect to the commercial interests of both the Homes and Communities Agency (HCA) and the unsuccessful bidders and it is therefore exempt under Section 43(2) of the Freedom of Information Act 2000 (FOIA).

**Section 43(2) – Prejudice to commercial interests**

Section 43(2) of the Act permits a public authority to withhold information where disclosure “would, or would be likely to, prejudice the commercial interests of any party”, including the public authority holding the information. We have identified certain information which, if released, could have the potential to prejudice the commercial interests of HCA and third parties wishing to submit bids for contracts to the HCA.

Section 43(2) is a qualified exemption, which means that before we can withhold information we must firstly consider the public interest in the disclosure. We can confirm that we have given careful consideration to the disclosure of this information, and identified the following factors as relevant.

#### **Public Interest Test – Factors in favour of disclosure**

Disclosure of the requested information would help demonstrate HCA's commitment to the principles of transparency and accountability.

Disclosing information helps further the public scrutiny of the activities and management of the HCA. This helps to serve the public interest by enabling interested individuals to be fully empowered of all the facts when considering the activities of HCA.

There is a legitimate public interest in ensuring that public authorities are operating effectively and in line with their organisational objectives, and that they are obtaining the maximum value for money for the public purse. This can be served by promoting transparency in the disclosure of any information which relates to the Agency's decision making and spending activities.

#### **Public Interest Test – Factors in favour of non-disclosure**

As no public money has been invested in the unsuccessful bidders there is a weaker public interest in favour of disclosure. Disclosure of this information could harm a future relationship the HCA may have with any of the unsuccessful bidders should they wish to submit a tender for any other works. Disclosure of the unsuccessful bidders could harm their commercial advantage in the market. If released it could also disadvantage these third parties should they submit a similar tender for works elsewhere.

Those submitting bids would not expect that they would be identified as being unsuccessful as a result of a request for information. It would not be fair to these third parties to identify that they did not achieve the score required to be appointed as this could go against them should they wish to bid elsewhere or to us again in the future.

#### **Conclusion**

Whilst we recognise that there is a legitimate public interest in the disclosure of any official information, such disclosure needs to be considered in line with the potential harm which may be caused by its release. We have therefore determined in this case that the public interest in favour of withholding the specified information falls in line of non-disclosure at this time. We would stress that the public interest is continually changing and that whilst we are unable to release this information at this time, we may be able to reconsider its disclosure in the future.

## **2. Contract values of each framework/contract (& any sub lots), year to date**

The contract value to date is £16,333,984. Please note that there are still a number of commissions that are being delivered and so this figure will increase.

## **3. Start date & duration of framework**

The start date was 11 January 2011 and ran for a length of 4 years.

**4. Is there an extension clause in the framework(s)/contract(s) and, if so, the duration of the extension?**

There were no extensions available; this was noted in the memorandum on information

**5. Has a decision been made yet on whether the framework(s)/contract(s) are being either extended or renewed?"**

We can confirm that this panel is not being re-procured.

If you have any questions regarding this response or any further queries you can contact us at the following addresses and quote your unique reference number found at the top of this letter:

**Email:** [mail@homesandcommunities.co.uk](mailto:mail@homesandcommunities.co.uk)

**Mail:** Information Access Officer  
Homes and Communities Agency  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF

If you are unhappy with the way Homes and Communities Agency has handled your request you may ask for an internal review. You should contact

Head of Legal Services  
Homes and Communities Agency  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF

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

Yours sincerely

Naomi McMaster  
Information Access Officer  
Homes and Communities Agency