



United Kingdom Hydrographic Office

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[REDACTED]

5 January 2015

Dear [REDACTED]

Thank you for your two emails of 6 November 2014 requesting the following information:

This concerns the UKHO's contract for translation services, OJEU tender reference 341916-2012 and OJEU tender reference 119519-2012. I would like to know what information the UKHO holds in relation to the award of contract and would like copies of the available documents, including:

- 1. The initial invitation to tender documentation*
- 2. All completed pre-qualification questionnaires submitted by both the successful and the unsuccessful bidders*
- 3. The invitation response documents submitted by both the successful and the unsuccessful bidders*

Please note that I am providing one response covering the two requests because the two references refer to the same contract: 119519-2012 refers to the contract notice and 341916-2012 refers to the contract award.

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA). On 28 November I wrote to you to advise that the UK Hydrographic Office holds the following information related to your request:

Section	Total size of file (rounded)	Approx no of documents issued/received
Initial enquiries	-	20
PQQ	138 MB	172
ITT	14 MB	10
ITT responses	109 MB	345
Evaluations & Award	15 MB	103
Totals	276 MB	650

In that letter I advised that we believed that some information fell within the scope of the following qualified exemption: Section 43 (Commercial Interests). As such UKHO is required to carry out a public interest test and I advised that we would therefore take an additional 20 working days to take a final decision on where the balance of public interest lies.

Section 43 is a qualified exemption and subject to public interest testing which means that the information requested can only be withheld if the public interest in doing so outweighs the public interest in disclosure. The UKHO has considered the public interest arguments at some length

and views of the third parties involved in this tender process have been sought and taken in to account.

It is recognised that there is a general public interest in the disclosure of commercial information to ensure transparency and accountability of the decisions and spending of UKHO as well as demonstrating best value and practice in the execution of public contracts.

Against this is the prejudice to the commercial interests of third parties by the release of market sensitive information which would make it more difficult for them to conduct commercial transactions in future. While it is acknowledged that commercial sensitivity may have diminished in the 2 years since the tender was competed the release of pricing information in particular is considered likely to harm these companies' ability to participate competitively in the current translation services market.

UKHO has therefore decided to withhold pricing information as well as any other financial information not already in the public domain eg the unaudited accounts of Private Limited Companies. In addition some of the material samples submitted to the UKHO to demonstrate translation ability contained commercially sensitive information relating to third parties or their own copywritten material and this has also been withheld. All other information (subject to s40 below) will be supplied to provide transparency of a robust tender process and to demonstrate value for money.

In addition, section 40(2) has been applied to some of the information in order to protect personal information as governed by the Data Protection Act 1998. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

The information you have requested can be found on the enclosed disk but any information which falls entirely within the scope of the absolute exemptions provided for at section 40 (Personal Data) and qualified exemptions provided for at section 43(2)(Commercial Interests) of the FOIA has been redacted.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1st Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.gov.uk>.

Yours sincerely,

Sarah Dobson
Communications Manager