



BY EMAIL ONLY

23 June 2016

Request for Information

Thank you for your email received by the Homes and Communities Agency (HCA) on 25 May 2016 requesting the following information:

Contract title: Valuation of Assets 2016

Award notice: <https://www.contractsfinder.service.gov.uk/Notice/d641eac7-aff8-4052-923c-32d6a5f13e4b>

Publication date of the award: 30/11/2015

Information Requested

In accordance with s.1 of the Act, which provides a general right of access to information held by public authorities, I wish to receive the following information:

- **A copy of the list of bidders at PQQ and/or tender stage (company names) and the tender stage scorecard for all bidders (including winner)**

Please note, Contracts Finder contains some incorrect information as it states that the contract is for the East Midlands operating Area in the contract summary. However, we can confirm the contract is actually for the North West operating area as per the description on Contracts Finder (see below). We apologise for any inconvenience caused by this error.

Description

To value all of the assets as per the schedule of sites appended to the brief dated 29th September 2015 with the exception of those assets which are to be removed following briefing meetings with HCA's North West Operating Area Teams.

We can confirm that we hold tender scoring information which we have provided to you; however the following information relating to the unsuccessful bidders has been withheld under Section 43(2) of FOIA:

- Tender price
- Lowest price as % of Supplier A
- Tender price
- Price score
- Non Price Resource Score

- Non Price Programme Score
- Overall Score

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, its panel partners and unsuccessful bidders.

Public Interest Test – Factors in favour of disclosure

The HCA recognises that there is a legitimate public interest in the disclosure of official information held by any public authority. Disclosure helps promote the principles of transparency and accountability, which are central to the effective operation of information access legislation.

We also understand that there is a legitimate public interest in the way in which public authorities make decisions, especially where those decisions impact upon the places in which people live and work, and the way in which we interact with the private sector.

Finally, we appreciate that in order for the public to be appropriately equipped to challenge the decisions and activities of public authorities and demand greater accountability and better value for money for the public purse, they need to be properly informed.

Public Interest Test – Factors in favour of non-disclosure

The interests of the third parties would be harmed by the disclosure of the redacted information as release would give their competitors an unfair and unreciprocated advantage by gaining knowledge of their financial information. This could then be used in future transactions in order to obtain an advantage over them by using this knowledge to inform their negotiations accordingly.

The bid price was submitted to the HCA with the understanding that it was sensitive information and disclosure would discourage third parties from submitting bids. This would have a harmful effect on the Agency as we would not opportunity to appointment the best developer or achieve value for money.

Disclosing this information would harm the HCA’s ability to score fairly and without prejudice. It would allow those submitting tenders to be aware of how we score and what we look for which would give them an unfair advantage. This would also mean that it would give any future bidders a commercial advantage over other third parties who had not seen the information.

No public money has been invested in the unsuccessful bidders; therefore there is a weaker public interest in favour of disclosure.

Taking into consideration all of the above, we have determined 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.

All requests received under FOIA are dealt with as applicant blind and motive blind. We must consider the implications of disclosure of information to the world at large and not to the individual requestor regardless of what their intention is.

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

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
Online: <https://ico.org.uk/concerns/getting/>

Yours sincerely

Naomi McMaster
Information Access Officer
Homes and Communities Agency

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