

Date: 14/03/19
Our Ref: RFI2623
Your Ref: FOI Request – Demolition of Former Cocklestorm Building
Tel: 0300 1234 500
Email: foi@homesengland.gov.uk



Homes
England

[REDACTED]
By Email Only

Windsor House
50 Victoria Street
London
SW1H 0TL

Dear [REDACTED]

RE: Request for Information – RFI2623

Thank you for your recent email, which was processed under the Freedom of Information Act 2000 (FOIA). For clarification, you requested the following information:

Please provide all submitted tender documentation for the winning contractor (AW Demolition Ltd.)

This should include as a minimum:

- *Part C - Docs to Return*
- *Any relevant enclosures for 'Part C - Docs to Return' such as 'Method of Works', 'How risks are considered' and 'Programme'.*

Please also provide the evaluation report for this tender.

Response

We are able to confirm that we do hold the information contained within the scope of your request.

Section 43 - Commercial interests

The information requested engages section 43(2) of the FOIA as its release would be likely to, prejudice the commercial interests of the Agency and of the contractor.

Section 43 is a qualified exemption. This means that in order to withhold information under this exemption, we must consider the public interest in disclosure.

Public Interest Test – Factors in favour of disclosure

Homes England is compliant with the government agenda of transparency and recognises the benefit of publishing the information, particularly when it concerns how Homes England undertakes its work.

Public Interest Test – Factors in favour of non-disclosure

Homes England believes that it should not disclose information contained within the tender documentation for the winning contractor (AW Demolition LTD).

The contract has very recently been awarded to the third party and the Agency considers the information to be commercial sensitive if it were to be disclosed to the wider public. We believe that to disclose the tender documentation would be likely to prejudice the commercial interests of the third party and would also pose a threat to the Agency's procurement process.

To disclose copies of the tender documents would be likely to prejudice ongoing and future commercial and contractual obligations between the Agency and third party concerned. This would prejudice the ability of Homes England to effectively manage the terms of the procurement which would not be an effective use of public money.

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It is also our view that disclosure of the tender documentation could be detrimental concerning the future requests of a similar nature, if the wider public is provided with information it could be used to exploit the procurement process for profit or other gain.

After careful consideration we have concluded that at this time, the balance of the public interest favours the non-disclosure of the tender documentation that is held.

The full text of in the legislation can be found on the following link;

<https://www.legislation.gov.uk/ukpga/2000/36/section/43>

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 and section 45 of the FOIA. To comply with this duty we are able to confirm some information relating to the tender can be found on the .gov website.

Please see the link below for ease:

<https://www.contractsfinder.service.gov.uk/Notice/dfa6f367-a30a-48c1-b762-ee15a139d059>

Right to Appeal

If you are not happy with the information that has been provided or the way in which your request has been handled you may request an internal review by writing to;

The Information Access Team
Windsor House
50 Victoria Street
London
SW1H 0TL

You may also complain to the Information Commissioner however, the Information Commissioner does usually expect the internal review procedure to be exhausted in the first instance.

The Information Commissioner's details can be found via the following link

<https://ico.org.uk/>

Please note that the contents of your request and this response are also subject to the Freedom of Information Act 2000. Homes England may be required to disclose your request and our response accordingly.

Yours sincerely,

Information Access Team
For Homes England