

Date: 09/05/2019  
Our Ref: RFI2661  
Your Ref: FOI Request – RFI2661: Tender – Northampton Town and Brackmills  
Tel: 0300 1234 500  
Email: [foi@homesengland.gov.uk](mailto:foi@homesengland.gov.uk)



Homes  
England

[REDACTED]  
By Email Only

Windsor House  
Homes England – 6<sup>th</sup> Floor  
50 Victoria Street  
London  
SW1H 0TL

Dear [REDACTED],

**RE: Request for Information – RFI2661**

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

*Under the Freedom of Information Act 2000, please provide me with copies of the following:*

*Tender name - Northampton Town and Brackmills Term Landscape Maintenance & Cleansing Contract 2018 - 2021  
(Successful tenderer - Continental Landscapes Ltd)*

*Details:*

- *The successful tender (with commercial information redacted where necessary)*

We requested clarification and you provided the following response:

*I am requesting the Continental Landscape Ltd's successful quality submission for the following tender: Northampton Town and Brackmills Term Landscape Maintenance & Cleansing Contract 2018 - 2021.*

<http://bidstats.uk/tenders/2018/W34/685637969>

*I understand that commercially sensitive information will be redacted (such as pricing) but I am interested in their quality submission for this tender opportunity.*

**Response**

We can confirm that we do hold one document which falls with the scope of your request: LC160 Homes England – Northampton Town and Brackmills Term Landscape Maintenance & Cleansing Contract 2018 – 2021.

**Section 43 - Commercial interests**

The information requested relating to the tender for Northampton Town and Brackmills by Continental Landscape Ltd engages section 43(2) of the FOIA as its release would be likely to prejudice the commercial interests of the Agency and of the third party concerned.

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.

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Public Interest Test – Factors in favour of non-disclosure

Homes England believes that it should not disclose the tender bid for the winning contractor (Continental Landscapes).

The term of the contract is 1 July 2018 to 30 June 2021. Whilst Homes England and Continental Landscape are still in contract following this tender bid, we believe that disclosing this information 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 detrimentally affect our ongoing and future commercial relationship and contractual obligations with this supplier for the remainder of the contract. This would prejudice the ability of Homes England to effectively manage the terms of the procurement and could financially prejudice Homes England which would not be an effective use of public money.

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

However, if the information were to be requested at a later date (once the contract is concluded and reasonable time has elapsed) our response may be different.

The overall total price of the contract is published (Value: £114,203) and is therefore transparent. The breakdown of how this is achieved would be likely to undermine the commercial position of the Contractor. In addition the tender includes elements of commerciality in terms of the systems and approaches they take to deliver the work efficiently and therefore also should not be published.

We have a duty to communicate disclosable information within a document and therefore we have considered releasing the bid with this commercially sensitive information redacted. However, the amount of commercially sensitive material that would be redacted within the tender document would render it meaningless.

Therefore after careful consideration we have concluded that at this time, the balance of the public interest favours the non-disclosure.

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 of the FOIA. To comply with this duty we are able to confirm that some information relating to the tender can be found on the .gov website.

Please see the link below:

<https://www.contractsfinder.service.gov.uk/Notice/a0efb699-6574-4a3c-9d08-f692d80b1505?p=@FQxbIRRPT0=NjJNT08=U>

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### **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  
Homes England – 6<sup>th</sup> Floor  
Windsor House  
50 Victoria Street  
London  
SW1H 0TL

Or by email to [foi@homesengland.gov.uk](mailto:foi@homesengland.gov.uk)

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