



Single Source
Regulations Office

Assuring value, building confidence

Single Source Regulations Office
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Ref: SSRO/RFI 021

29 June 2018

Dear [REDACTED]

Subject: Request for Information

Thank you for your freedom of information request dated 4 June 2018 in which you requested the following information in relation to the tender advertised on Contracts Finder for urgent communications advice and support:

- name of the contractor who won the bid;
- names of contractors who put forward bids;
- amount the winning bidder's price was;
- amount each of the bidders' price was; and
- copy of the winning bidder's proposal/tender submission

We have considered your request under the Freedom of Information Act 2000 (**the Act**) and have responded to each of the points in turn.

- ***Name of the contractor who won the bid***

Flame PR was awarded the contract.

- ***Name of contractors who put forward bids***

The SSRO received a total of nine bids and these were from the following companies/individuals (in alphabetical order):

- Flame PR;
- Grayling;

- Keystone Marketing;
 - MHP Communications;
 - MWWPR;
 - Register Larkin by Deloitte;
 - Teneo Blue Rubicon;
 - Thomas Harding; and
 - South Coast Creative.
- ***Amount the winning bidder's price was***
 - ***Amount each of the bidder's price was***

Following consultation with all of the bidders (including the winning bidder), our view is that the requested information is exempt from disclosure under section 43(2) of the Act.

In our view, disclosure of this information is likely to prejudice the commercial interests of the bidders, including the winning bidder, for the following reasons:

- i. The amount of each bidder's price is commercially sensitive information which, if publicly disclosed, would be likely to provide other companies with an unfair competitive advantage when tendering against them. Bidders compete against others in a competitive marketplace and their success is determined, at least in part, by any competitive advantage they may have. If we disclosed the requested information, it may have a negative impact upon the bidders' positions in the marketplace because it would reveal to their competitors strategic information about their business which could be of benefit to their competitors.
- ii. If the information was publicly disclosed, companies would suffer disadvantage in future work of a similar nature as the public availability of the price they quoted for this work is likely to weaken their bargaining positions with prospective customers.

Relevant to the above reasons is the fact that this information was provided by the bidders within the previous six months, meaning that the pricing information provided in each bid is still current.

Full disclosure of the requested information is also likely to prejudice the commercial interests of the SSRO because:

- iii. The term of the contract is 24 months and may be re-tendered after the expiry of the term. Disclosing the amount of each bidder's price and/or the winning bidder's price would provide a benchmark figure which could also reduce the amount of interest from future bidders. This would result in a less competitive procurement process for the SSRO when tendering for these services in future.
- iv. Public disclosure of the bidders' pricing information would be likely to discourage potential bidders from responding to any future SSRO tenders because third parties would know that their commercially sensitive pricing information could be made public. This would prejudice the SSRO's commercial interests by reducing competition and therefore value for money.

There is a strong public interest in allowing private companies to protect their commercially sensitive information and participate in a fair, competitive marketplace. It is also in the public interest that tenders for public work should be competitive so as to ensure value for money. For these reasons, we consider

that the balance of public interest in maintaining this exemption outweighs that of disclosing this information.

- ***Copy of the winning bidder's proposal/tender submission***

After consulting with Flame PR, we consider that the requested information is exempt from disclosure under section 43(2) of the Act because disclosure of this information is likely to prejudice the commercial interests of Flame PR. Flame PR have told us that their approach set out in the proposal is unique to their company and disclosing this information publicly would enable third parties to replicate this approach, which may negatively impact Flame's competitive advantage in future. While it is acknowledged that there is a public interest in allowing companies to improve their bids, there is also a strong public interest in private companies maintaining the confidential trade secrets such as tendering strategies. As such, we consider that the balance of public interest in maintaining this exemption outweighs that of disclosing this information.

For your reference, we consider that our decision is consistent with ICO Decision Notice FS50554846.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: enquiries@ssro.gov.uk.

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, Wycliff House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Please remember to quote the reference number above in any future communications.

Yours sincerely




Director of Corporate Resources
Single Source Regulations Office

From: [REDACTED]

Sent: 04 June 2018 15:26

To: Enquiries <enquiries@ssro.gov.uk>

Subject: FOI Request

Hi there

Earlier this year you had a tender

out: <https://www.contractsfinder.service.gov.uk/Notice/43f427ef-3f9b-4951-982c-03ff24988374>

If possible, could you please let me know via email:

- a) Name of the contractor who won the bid
- b) Names of contractors who put forward bids
- c) Amount the winning bidder's price was
- d) Amount each of the bidder's price was
- e) Copy of the winning bidder's proposal/tender submission

Many thanks

[REDACTED]