



Homes
England

Date: 23 August 2021

Our Ref: RFI3557

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Making homes happen

██████████
By Email Only

Information Governance Team
Homes England
Windsor House – 6th Floor
50 Victoria Street
London
SW1H 0TL

Dear ██████████

RE: Request for Information – RFI3557

Thank you for your request for information which was processed in accordance with the Freedom of Information Act 2000 (FOIA).

You requested the following information:

You have awarded a contract for Homes England – Security Services Framework – Awarded 1st April 2021.

We would like to request the following:

- *Names of tenderers who put forward bids/shortlisted in evaluation process and their rankings.*

Response

We can confirm that we do hold the requested information. Please find enclosed Annex A which contains the names of tenderers who put forward bid/shortlisted in evaluation process.

Section 43 - Commercial interests

Under section 43(2) Homes England is not obliged to disclose information that would, or would be likely to, prejudice the commercial interests of any party.

The information requested relating to ranking of tenderers engages section 43(2) of the FOIA as it is commercial in nature and its release would be likely to prejudice the commercial interests of Homes England and other interested parties to the information.

Homes England has identified that the information requested, if released, would be likely to prejudice the effective operation of future bids for funding.

Section 43 is a qualified exemption. This means that once we have decided that the exemption is engaged, Homes England must carry out a public interest test to assess whether or not it is in the wider public interest for the information to be disclosed.

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Arguments in favour of disclosure:

- Homes England acknowledges there is a general public interest in promoting accountability, transparency, public understanding and involvement in how Homes England undertakes its work and how it spends public money.

Arguments in favour of withholding:

- If the public were aware of a 'rank' of tenders, assumptions could be made about the quality of certain tenders over others by potential/current suppliers. To release the information could project an unfair and inaccurate picture that may allude to 'preferred' tenders which could cause reputational damage in the process. It is not the case that one supplier is favoured over another and to release a ranking would be likely to affect the impartiality of the framework. This would not be in the public interest as it would prejudice Homes England's ability to achieve its objectives as set out in our Strategic Plan and would negatively affect the public purse;
- To release a ranking of suppliers would negatively affect the relationship between Homes England and Security Service tenders. By disclosing rankings, this could highlight strengths and weaknesses and provide a commercial advantage to other suppliers and could therefore have a negative impact on future tendering opportunities. This information would provide a benchmark to others competing for Homes England tenders. To release the information would be likely to compromise our relationship with suppliers as it is confidential information that would not otherwise be released to the public. This would not be in the public interest as it could put potential home developments in jeopardy;
- If the public were able to compare a ranking of organisations who applied to be a supplier, it might be possible for those with knowledge of the Homes England bid scoring system to gain some view on pricing strategy in relation to the quality score. This could lead to competitors having an unfair advantage in future tender submissions as a higher rank may influence competitors to lower their price;
- Disclosure could put Homes England at risk of breach of Regulation 18 of the Public Contracts Regulations 2015. Regulation 18 provides that "Contracting authorities shall treat economic operators equally and without discrimination and shall act in a transparent and proportionate manner". Homes England is a contracting authority. The information relates to ongoing services/contracts that have been procured by Homes England. If this information were released it would be likely to prejudice future competitive tenders for Homes England contracts. Release of the information would be likely to result in third parties being placed at a commercial disadvantage in relation to other potential bidders if the wider public were aware of how an organisation had ranked those suppliers' bids. There would be significant reputational, commercial and financial loss to Homes England and our partners if third parties could use the information to distort the market for their own gain; and
- Homes England has been unable to identify a wider public interest in disclosing the information requested.

Having considered the arguments for and against disclosure of the information, we have concluded that at this time, the balance of the public interest favours non-disclosure.

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

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



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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. You can request an internal review by writing to Homes England via the details below, quoting the reference number at the top of this letter.

Email: infogov@homesengland.gov.uk

The Information Governance Team
Homes England – 6th Floor
Windsor House
50 Victoria Street
London
SW1H 0TL

Your request for review must be made in writing, explain why you wish to appeal, and be received within 40 working days of the date of this response. Failure to meet this criteria may lead to your request being refused.

Upon receipt, your request for review will be passed to an independent party not involved in your original request. We aim to issue a response within 20 working days.

You may also complain to the Information Commissioner's Office (ICO) 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,

The Information Governance Team
For Homes England

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ANNEX A	Summary of Assessment for the Security Services Framework
Proposed Framework Contractors Lot 1 - Name of Bidder	
SSG Support Services Group Ltd	
First Response Group	
Manpower Direct UK Limited (MPD FM Limited)	
Proposed Framework Contractors Lot 2 - Name of Bidder	
SSG Support Services Group LTD	
Manpower Direct UK Limited (MPD FM Limited)	
First Response Group	
Profile Security Services Limited	
Proposed Framework Contractors Lot 3 - Name of Bidder	
Manpower Direct UK Limited (MPD FM Limited)	
SSG Support Services Group LTD	
Profile Security Services Limited	
First Response Group	