



Homes
England

Date: 3 March 2023

Our Ref: RFI4179

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 – RFI4179

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:

Earlier this year, you ran a tendering process for Website requirements. Procurement reference: HCA001-DN599412-25444664

If possible, could you please let me know the following:

- 1. How many tender responses were received (number of bidders)?*
- 2. The range of bids, as in, the lowest bid(£) and the highest bid(£)?*
- 3. Was the winning bidder new to you as a supplier or have they previously worked for you?*
- 4. What was the published budget for the project?*
- 5. Name of the company which won the bid.*
- 6. The winning bid amount (£)*
- 7. Could you please send a copy of the ITT document?*

Response

We can confirm that we do hold some of the requested information. We will address each of your questions in turn.

1. How many tender responses were received (number of bidders)?

We can confirm that we received 3 responses following a shortlisting of 14 applications under CCS Digital Outcomes and Specialist Framework.

2. The range of bids, as in, the lowest bid(£) and the highest bid(£)?

We can advise that the evaluated price range was approximately £423,000 to £435,000.

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3. Was the winning bidder new to you as a supplier or have they previously worked for you?

We can confirm that the winning bidder did not previously work for Homes England.

4. What was the published budget for the project?

We can confirm that Homes England does not hold the information detailed in your request.

To conclude that the information is not held, we have searched with our Procurement team who would have the requested information if held.

The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty under section 1(1) is only to provide the recorded information held.

The full text of section 1 in the legislation can be found here:

<https://www.legislation.gov.uk/ukpga/2000/36/section/1>

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 a budget was not published.

5. Name of the company which won the bid.

6. The winning bid amount (£)

We can inform you that we do hold the information that you have requested. However, we rely on section 21, exemption where information is available to the applicant elsewhere.

The full text of the legislation can be found on the following link and we have quoted section 21 below for ease.

<https://www.legislation.gov.uk/ukpga/2000/36/section/21>

21 - Information accessible to applicant by other means.

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1)—

- (a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and
- (b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is



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available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. We can advise that the information in relation to the name of the winning bidder and awarded contract value is available on our Contracts Finder via the following link:

[Homes England - \(DOS5\) ITT - Digital Content team capability services partner - Contracts Finder - https://www.contractsfinder.service.gov.uk/Notice/d15bb816-a015-487a-a101-66cf5ca87c58](https://www.contractsfinder.service.gov.uk/Notice/d15bb816-a015-487a-a101-66cf5ca87c58)

7. Could you please send a copy of the ITT document?

We can inform you that we do hold the information that you have requested. However, we rely on section 43 (2) of the FOIA to withhold the information from disclosure.

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 the invitation to tender 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 the existing contract and the relationship between the parties.

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.

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;
- Homes England acknowledges that there is a public interest in the arrangements for services contracted to third parties.

Arguments in favour of withholding:

- The contract between the parties is ongoing until April 2023. Whilst Homes England and the successful bidder are still in contract following the tender and the obligations of that contract are ongoing, it would be detrimental to release the information requested. There is a high risk that disclosing the information would be likely to prejudice the commercial interests of the third party. The operational and commercial



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procedures of the third party could be exploited which could result in the contractual obligations being affected. This would not be in the public interest as public funds could be at risk if a contractor is unable to fulfil their requirements;

- To disclose information of the successful tender would be likely to affect our ongoing and future relationship with the third party. There is a high risk that this would damage the performance of the contract if the relationship between Homes England and a supplier were prejudiced. This would not be in the public interest as Homes England may be unable to fulfil our requirements as set out in our strategic plan;
- Homes England believe that if the information were released there would be a high risk that future tenders of a similar nature could be distorted. If the wider public has access to the information it could be used to exploit the procurement process for profit or other gain. This would not be in the public interest as public funds could be allocated in a way that would not represent good value for money; 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>

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.



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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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