



Homes
England

Date: 22 June 2023

Our Ref: RFI4152

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

The Housing and Regeneration Agency

██████████
By Email Only

Information Governance Team
Homes England
Windsor House
6th Floor
42 - 50 Victoria Street
London
SW1H 0TL

Dear ██████████

RE: Request for Information – RFI4152

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 a rebranding requirement. Procurement reference HCA001-DN642302-69008327

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, Design102, new to you as a supplier or have they previously worked for you?**
- 4. What was the published budget for the project?**
- 5. Could you please attach a copy of the Invitation to Tender document (ITT)?**

Extension of time to consider the public interest test:

In our letter to you dated 15 December 2022, we had stated that we required additional time to respond your request as a qualified exemption applied to some of the information that fell within the scope of your request. However, we have determined that the exemption at section 43(2) of the FOIA to withhold information that is commercial information is no longer engaged. We apologise for the delay in progressing your request and for any impact this has had on you.

Response

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

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

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 this was a direct award to Design102 and that no bids were received. Design 102 was the authorised Government Communication Service (GCS) Design Centre for central Government and as there was an urgency to invest in brand development work to ensure we are fit-for-purpose, therefore there was no need for Homes England to contract a commercial entity at the expense of other possible competitors.

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

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:

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Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. As mentioned in our response to question 1 above, there were no bids received and therefore there was no range.



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3. Was the winning bidder, Design102, new to you as a supplier or have they previously worked for you?

We can confirm that Design102 has not previously worked with Homes England.

4. What was the published budget for the project?

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>

Section 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 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 confirm that the information is publicly available via our gov.uk 'Contracts Finder' which can be accessed via the below link. For ease, the search term to use is 'Homes England - rebrand proposal development' ensuring to check the awarded contract box under the procurement stage headline.

<https://www.contractsfinder.service.gov.uk/Search>



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5. Could you please attach a copy of the Invitation to Tender document (ITT)?

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. As mentioned in our response to question 1 above, this was a direct award to Design102 as it is part of the Government Communication Service (GCS) Design Centre.

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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