



# Homes England

The Housing and Regeneration Agency

Date: 13 September 2023

Our Ref: RFI4411

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

[REDACTED]  
By Email Only

Dear [REDACTED]

## **RE: Request for Information – RFI4411**

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:

- 1. Could you provide details about the pricing criteria and the score awarded to all tenderers**
- 2. Could you also provide the documents that serve as evidence of the internal approval for the aforementioned decision**
- 3. We would appreciate it if you could share the Regulation 84 report pertaining to this procurement**
- 4. Can you share the Pricing scoring Matrix for all bidders and other commercial aspects and ranking**

For contextual information, your request related to the procurement under Homes England Security Services Framework 2021 – 2025 - LOT 3 - Northstowe New Town (Former Oakington Site) Manned Guarding.

## **Response**

We can inform you that we do hold some of the information that you have requested. We will address each question in turn.

6<sup>th</sup> Floor  
Windsor House  
42 - 50 Victoria Street, Westminster  
London, SW1H 0TL

0300 1234 500  
@HomesEngland  
[www.gov.uk/homes-england](http://www.gov.uk/homes-england)





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- 1. Could you provide details about the pricing criteria and the score awarded to all tenderers**
- 4. Can you share the Pricing scoring Matrix for all bidders and other commercial aspects and ranking**

We can confirm we hold the requested information. Please find enclosed with this response Annex A, the pricing criteria. This information has been extracted from the Invitation To Tender document.

However, we rely on section 43(2) of the FOIA to withhold the score awarded to all tenderers, the pricing scoring matrix for all bidders and other commercial aspects and ranking 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 scores of each submitted bid 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 Homes England and the organisations who submitted bids for the tender.

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.

### Arguments in favour of withholding:

- Releasing the information would reveal financial information of the organisations who tendered for this contract, which may in turn affect their commercial interests. The consequences of releasing financial information of third parties who have engaged with us during the tender process could put other potential tender exercises at risk. This would not be in the public interest as this could put





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work at risk, inflate prices and damage Homes England's reputation as a partner. This would negatively affect public money.

- Releasing information in relation to one party in a competitive market would be likely to distort competition, making it a less competitive process, which would not be in the public interest. This may also negatively affect Homes England's ability to secure works for market value, which ultimately damages the public purse. This would also be likely to have the same negative effect on future commercial activity and other Homes England procurement activity.
- The requested information relating to scoring and ranking of tenderers is inherently commercial in nature. As a result of this tendering exercise, Homes England were able to award the contract to the highest scoring bidder. This process has not yet concluded and the release of this information, that is part of wider ongoing procurement processes, would reveal financial strategies and analysis that was not meant for release into the public domain, adversely affecting both Homes England and tendering parties. If released, the involved third parties would be further adversely affected as it could be used against them in negotiations for similar matters as other parties would have this prior knowledge of their business' operating models. To release this information would undermine future bids for similar works as it would reveal what has been agreed in this instance which could be used as a basis for obtaining an unfair advantage by other third parties. This would put them at a commercial disadvantage which would not be in the public interest as it would hinder their ability to conduct business in a competitive market if their bidding and pricing strategies were revealed in this way.
- Releasing the information would be likely to negatively impact future competitive bidding processes as interested parties may feel unable to provide all the information requested for fear of disclosure, which would impact Homes England's ability to conduct appropriate due diligence on the bids, meaning decisions may be less robust and less likely to deliver 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>





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**2. Could you also provide the documents that serve as evidence of the internal approval for the aforementioned decision**

We can confirm we hold the requested information. Please find enclosed with this response Annex B, the internal approval for the decision to award the contract. Please note, we have redacted some information as it is outside the scope of your request.

Section 40 – Personal information

We have also redacted information on the grounds that it constitutes third party personal data and therefore engages section 40(2) of the FOIA.

To disclose personal data, such as names, contact details, addresses, email addresses and personal opinions could lead to the identification of third parties and would breach one or more of the data protection principles.

Section 40 is an absolute exemption which means that we do not need to consider the public interest in disclosure. Once it is established that the information is personal data of a third party and release would breach one or more of the data protection principles, then the exemption is engaged.

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

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>

**3. We would appreciate it if you could share the Regulation 84 report pertaining to this procurement**

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 Commercial 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:

6<sup>th</sup> Floor  
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<https://www.legislation.gov.uk/ukpga/2000/36/section/1>

## **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](mailto:infogov@homesengland.gov.uk)

Information Governance Team  
Homes England  
Windsor House  
6<sup>th</sup> Floor  
42-50 Victoria Street  
London  
SW1H 0TL  
United Kingdom

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/>





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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

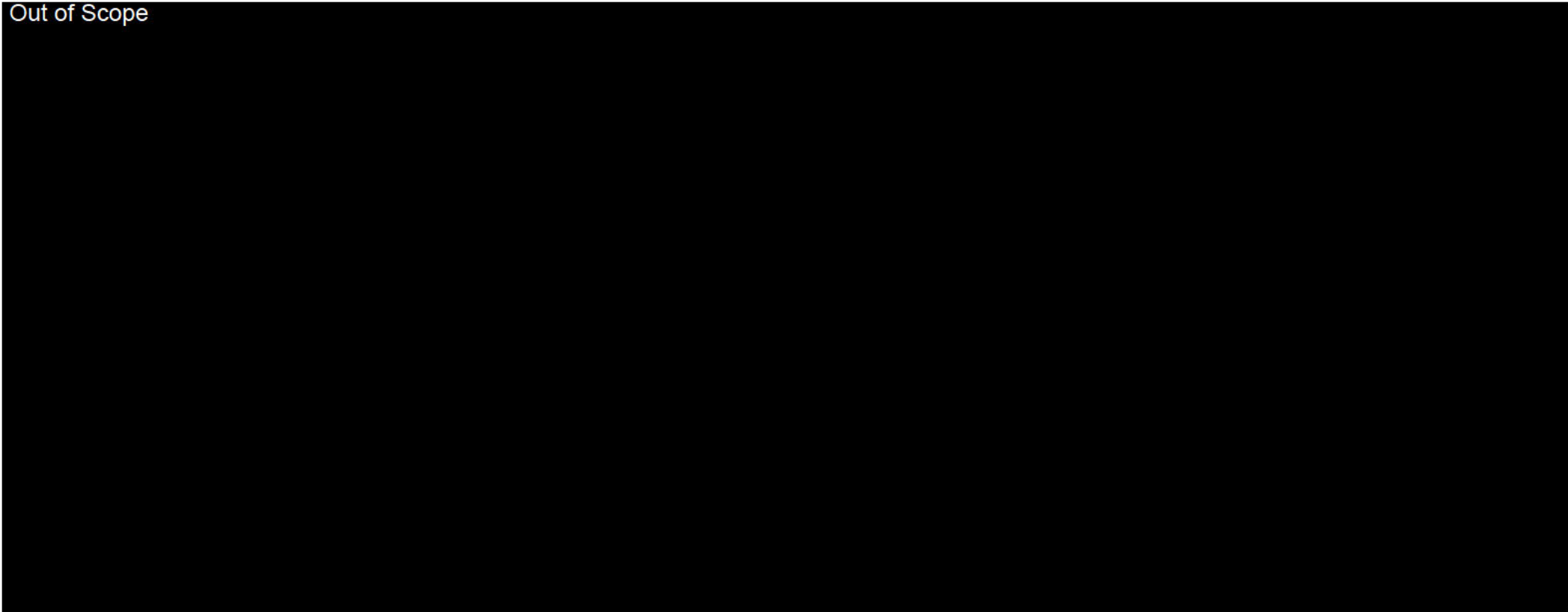


## Out of Scope

### 4. Pricing

- 4.1. A Pricing Schedule has been provided with this Further Competition ITT which must be completed and returned as part of the tender response.
- 4.2. Rates must be in accordance with those tendered under the Homes England Security Services Framework 2021 - 2025, these rates are viewed as maximum rates for any work procured through the Framework. For long-term commissions we expect rates to be lower than standard hourly rates. The Supplier's attention is specifically drawn to Part A, Section 7 of the Invitation to Tender in relation to "Pricing".
- 4.3. **Costs submitted for the initial year of service (or Pro Rata) are Fixed Sum** and shall not be adjusted, they shall take account of all statutory changes e.g. increase in minimum wage.
- 4.4. To ascertain a total contract value an RPI value of 2% has been applied to the annual costs as indicated in the sub-total costs. The amount of RPI adjustment to the Contract Sum is at the discretion of the Homes England. This discretion may result in the award of no RPI for subsequent years of the Contract. Any request for RPI should be made in writing by the Supplier to Homes England and is subject to their written approval.
- 4.5. The Supplier warrants and undertakes that prices submitted for provision of the Service in relation to this further competition are an all-inclusive price which takes into consideration Labour on Costs, Holiday / Sickness Cover, Bank Holidays, Leap Year, Health & Safety Requirements (including PPE), Uniform, Training, Management, Retrieval of Information (including information from Patrol Systems and Reporting) and Profit.
- 4.6. The Site Specific Pricing Schedule describes the requirements of the Services, but all the Services implied thereby or necessary for the full and proper completion of the Service are to be performed by the Supplier in the best and most suitable manner. The Supplier should note that all items of the Service will be described in as reasonable detail as possible, but the Supplier shall consider them in conjunction with the actual situations on Site and shall include in his Price for everything necessary to allow him to carry out the Service in the best manner, whether specifically mentioned or not including all necessary management overheads, profit and the like. Suppliers will be expected to meet all costs associated with ensuring compliance with all current legislation, codes of practice and industry best practice.
- 4.7. It is possible that the Transfer of Undertakings (Protection of Employment) Regulations 2006 may apply to the Site Specific Services required under this Framework. Contact details for TUPE information are provided within the Pricing Schedule where applicable. It is the responsibility of incoming and outgoing Suppliers to address and resolve all matters in relation to TUPE (Please refer to Framework Contract in relation to Supplier obligations)

Out of Scope



Price will account for **50%** of the Overall Score. The lowest price will gain the maximum marks with other prices expressed as a proportion of the best score using the maths explained in the worked example

Criteria	Demonstrated by	Weighting
Price	Completed Pricing Schedule	50%



Worked example of how your price will be used to calculate a score

Supplier	Form of Tender price	Lowest price/Supplier's price (as %)	Price Score (out of 50)
Supplier A	350	$350/350 = 100\%$	$100\% * 50 = 50$
Supplier B	700	$350/700 = 50\%$	$50\% * 50 = 25$
Supplier C	Not Applicable	Not Applicable	Not Applicable
Supplier D	Not Applicable	Not Applicable	Not Applicable

Out of Scope

Out of Scope

**From:** s. 40(2) @homesengland.gov.uk>  
**Sent:** 28 June 2023 10:04  
**To:** s. 40(2); s. 40(2)  
**Cc:** s. 40(2); s. 40(2); s. 40(2)  
**Subject:** RE: Updated Tender

**Importance:** High

All,

I've just had a conversation with s. 40(2) and given her assurances/update and the email chain below, I'm happy to authorise the award to MPD FM Ltd.

Out of Scope

TVM

s. 40(2)

s. 40(2)

s. 40(2) Estate Management and Health and Safety  
Development Directorate

s. 40(2)



[@HomesEngland](#)

Homes England  
One Friar Gate  
4<sup>th</sup> Floor  
Coventry  
CV1 2GN

**The Housing and Regeneration Agency**

We believe that affordable, quality homes in well-designed places are key to improving people's lives.

We make this happen by using our powers, expertise, land, capital, and influence to bring both investment to communities and to get more quality homes built.

Please forward any Freedom of Information Requests to: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)