



Homes
England

The Housing and Regeneration Agency

Date: 21 August 2024

Our Ref: RFI4843

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

[REDACTED]
By Email Only

Dear [REDACTED]

RE: Request for Information – RFI4843

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:

Under the Freedom of Information Act, I am writing in relation to the Homes England Strategic Research and Economic Analysis Framework 2020-2024
Reference OJEU: 2020/S 248-619109

I am requesting:

- 1. The Evaluation Summary Report showing the contractors awarded, the bidders, scores and comments for the tender competition**
- 2. Call-off contracts within the Framework, award values and winners**

Response

We can inform you that we do hold the information that you have requested. We will answer your questions in turn below.

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

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www.gov.uk/homes-england





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1. The Evaluation Summary Report showing the contractors awarded

For the contracts awarded, 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.

The Evaluation Summary Report showing ... the bidders, scores and comments for the tender competition

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In regard to the tender competition, including the Evaluation Summary Report, the bidders, scores and comments, we can inform you that we do hold the information that you have requested. However, we rely on section 43(2) and section 41 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 evaluation report, specifically the scores and comments for the tender competition 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 all future commercial bidding at Homes England and the future commercial activity of the bidders.

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 be likely to negatively impact future bidding as potential partners may be deterred from bidding for contracts if they felt information relating to their commercial and ongoing financial commitments would then be released to the public domain;
- Releasing information in relation to bids in a competitive market would be likely to distort competition, making it a less competitive process. This would mean that prices could be inflated and future negotiating positions put at risk. This would not be in the public interest as it would be likely to result in poorer value for public money;

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- The requested information contains information regarding Homes England's own commercial decision-making and will reveal the internal discussions of Homes England staff. The release of this information would be likely to have a 'chilling effect' on future assessments and may result in less robust decision making which would have a negative effect on the public purse, which is not in the public interest;
- Disclosure is likely to be prejudicial to the commercial interests of both Homes England and third parties as there is reasonable expectation that such information provided to Homes England in this capacity would not be disclosed;
- 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>

Section 41 – Information provided in confidence

Under section 41(1)(b) of the FOIA Homes England is not obliged to disclose information to the public if it would constitute a breach of confidence.

Unsuccessful applicants applied to Homes England for inclusion onto the framework in confidence and with the expectation that their applications would not be publicly disclosed. To disclose the details of unsuccessful applicants would be likely to lead to the public being able to infer details of these companies' financial status and future business plans.

Although section 41 of the FOIA is an absolute exemption and there is no requirement to conduct a full public interest test, we can confirm that we have considered the public interest in disclosure as a breach of confidence may not be actionable if there is an overriding public interest in that disclosure. In regard to the unsuccessful applicant details, we feel that there is no overriding public interest in favour of disclosure.

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





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<https://www.legislation.gov.uk/ukpga/2000/36/section/41>

2. Call-off contracts within the Framework, award values and winners

Similarly to the above, we can confirm 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>

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Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. In order to comply with this duty we can confirm the awarded contract is available online via the following link:

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

Please be advised that the key word you need to enter is: **DN461001**

You will also need to ensure that you have ticked the box Awarded Contract box before you click Search.

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

Information Governance Team
Homes England
Windsor House
6th 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.

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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

