



To: Brian

Via email to request-366xxxxxxxxx@xxxxxxxxxxxxxx.xxx

27 November 2008

Dear Brian

Freedom of Information request ref: D/107/2010/1

Thank you for your email of 20 October 2008 requesting information under the Freedom of Information Act (FoIA) regarding successful and unsuccessful tender documents for contracts on the Growing Community Assets programme.

The Freedom of Information Act requires us to respond to requests within 20 working days. On 21 October 2008 I wrote to you seeking clarification on the information that you were seeking. On 27 October 2008 I wrote to you again, advising you that the clock would be stopped until you provided some clarification on the information that you were seeking. On 7 November 2008, you contacted me clarifying the information that you were seeking. The clock was then restarted, giving the Big Lottery Fund a revised deadline of 28 November 2008 in which to respond to your request.

You requested a copies of the successful and unsuccessful tender documents for the Support and Development contract and evaluation contract on the Growing Community Assets programme. I can confirm the Big Lottery Fund holds the requested information and copies of most of the requested information is included with this letter.

In total, 8 documents fall under the scope of this request.

For the Support and Development Contract, tenders were received from

A4E
Forward Scotland

Big Lottery Fund
1 Plough Place
London EC4A 1DE
T 020 7211 1800
F 020 7211 1750
☎ 0845 039 0204
www.biglotteryfund.org.uk

UK Chair
Sir Clive Booth

UK Chief Executive
Peter Wanless CB

We are committed to bringing real improvements to communities and to the lives of people most in need





Momenta
Highlands & Islands Consortium (successful bidder)

For the Evaluation Contract, tenders were received from

Blake Stevenson
Hall Aitken
SQW (successful bidder)
ERS

As you have not supplied us with a postal address, we have assumed that you are requesting the information to be given to you electronically.

We have given full consideration of supplying you all of the requested information electronically under Section 11 of the Freedom of Information Act. Section 11 states that

Where, on making his request for information, the applicant expresses a preference for communication by any one or more of the following means, namely—

*(a) the provision to the applicant of a copy of the information in permanent form or another form acceptable to the applicant,
(b) the provision to the applicant of a reasonable opportunity to inspect a record containing the information, and
(c) the provision to the applicant of a digest or summary of the information in permanent form or in another form acceptable to the applicant,*

the authority shall so far as is reasonably practicable give effect to that preference.

Unfortunately, we are not able to send you all of the documents that you have requested electronically. Due to the age of some of the documents requested, we do not hold electronic copies, and when we scan the paper documents, they are too large to email.

We would be happy to send you paper copies of the two documents that cannot be emailed through the post, to any address that is convenient to you. Alternatively, if you still wish to receive an electronic version, we would be able to send you the requested documents on a CD through the post.



Within the tender documentation relating to the evaluation contract some information has been removed as we felt it was exempt from release under the FoIA. Specific information on pricing has been concealed as we feel that section 43(2) of the FoIA is engaged. Section 43(2) states:

43(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

We believe that the information contained within these sections would be likely to seriously prejudice the commercial interests of the organisations concerned. When considering the public interest we feel that in all circumstances of the case the public interest in maintaining the exemption outweighs the arguments for release.

The arguments in favour of maintaining the exemption are that release of this information may be damaging to the organisations that submitted this information as the organisations concerned have confirmed that the information could give a commercial advantage to their competitors. We feel that publication of this information could be damaging to the commercial interests of the organisations that submitted these tender documents which strengthens the argument against release when weighed against the factors relating to openness and accountability. We have been as open as we feel we possibly can without prejudicing commercial interests.

We appreciate that there are strong public interest arguments for the Big Lottery Fund being open and transparent when making decisions regarding public funds. However, these arguments are not, at this time, strong enough to outweigh the arguments for maintaining the exemption.

The Big Lottery Fund publishes a full annual report which details where every penny has been spent. Within the copy of the tender documents that we have sent you, we have included the details on all activities that will occur as part of the proposals

The arguments for withholding the sections as previously stated are valid at the time of writing, but it is possible that these arguments will diminish over time.

We have also withheld CVs of key staff, which were included as an appendix to the tender document as we as we did not consider these



relevant to your request. Had they been specifically requested it is possible they would be exempt under section 40 of the FoIA relating to Data Protection.

Information supplied in response to any Freedom of Information Act request may be subject to the Copyright, Designs and Patents Act 1988. You are free to use it for your own purposes, including any non-commercial research you are doing and for the purposes of news reporting. Any other use, for example commercial publication, would require the permission of the copyright holder.

Most documents supplied by the Big Lottery Fund will have been produced by our staff and will be the copyright of the organisation. However, we may have sent you information which is the copyright of another person or organisation. If this is the case, you must ensure that you obtain their permission before you reproduce any of their information. If the information we have sent you includes a copyright statement, you must not alter or remove this statement.

If you supply me with a postal address I will arrange for the two remaining documents to be sent to you by return.

If you have any further queries regarding the FoIA please contact myself at the address below. Your FoIA reference is: **D/106/2010/1**. It would be helpful if you could quote this reference in any future correspondence.

If you are unhappy with the level of service you have received in relation to your request, you may ask for an internal review. If this is the case, contact me and I will arrange for the decision to be reviewed.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF



Yours sincerely,

A handwritten signature in blue ink, appearing to read "Sonia Howe".

Sonia Howe
Head of Corporate Governance

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