



Cabinet Office

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www.cabinetoffice.gov.uk

Erica Baron

By email: request-982885-dd14eca0@whatdotheyknow.com

FOI Reference: FOI2023/06116

20 June 2023

Dear Erica Baron

We refer to your request where you asked:

“Provision of Digital Live Support

Q1. When does the current contract expire? Are there additional contract extensions that may be taken?

Q2. Was the contract awarded via an Open tender, framework or direct award?

If none of these how was the contract awarded?

Q3. Please provide a list of any suppliers who were unsuccessful during the tender process.

I look forward to your response,”

We are writing to advise you that following a search of our paper and electronic records, we have established that the information you requested is held by the Cabinet Office, including the Crown Commercial Service.

In response to your enquiry at question 1, I consider this information to be exempt from disclosure under Section 21(1) of the Freedom of Information Act. Section 21 exempts information if this information is reasonably accessible to the applicant by other means. Section 21 is an absolute exemption and the Crown Commercial Service is not required to consider whether the public interest favours disclosure of this information.

This information is available on Contracts Finder. To assist you, this requested information is disclosed on Contracts Finder at the following website:

<https://www.contractsfinder.service.gov.uk/notice/6d826eb1-4617-4e60-81cf-65ff9344fc11?origin=SearchResults&p=1>

In response to your enquiry at question 2, I can confirm that the contract was awarded via G-Cloud 11. Additional information on G-Cloud 11 can be found here:

<https://www.crowncommercial.gov.uk/agreements/RM1557.11>

In response to your enquiry at question 3, I am withholding the list of unsuccessful suppliers for this contract, as I believe that the disclosure of this information would be likely to prejudice the commercial interests of the unsuccessful suppliers and the Crown Commercial Service, consistent with the exemption at Section 43(2) of the Freedom of Information Act.

Section 43 is a 'qualified' exemption, which means that it is subject to a public interest test. In reaching the eventual decision, I have considered various factors of the public interest test, both in favour of disclosure and in withholding the requested information, which are discussed below:

Factors in favour of disclosing the requested information include:

- The Crown Commercial Service is committed to openness and transparency in its commercial activities, to allow public scrutiny and to demonstrate that public funds are being used in an efficient and effective way;
- Private sector companies engaging in commercial activities with the public sector must expect some information about those activities to be disclosed throughout the lifecycle of all commercial arrangements;

Factors in favour of withholding the requested information include:

- Disclosure may cause damage to an unsuccessful suppliers reputation, affecting the supplier's competitive position in their respective market and confidence that its customers, suppliers or investors may have in its commercial operations;
- Potential bidders for future contracts may be deterred from competing and sharing information with us, which would negatively impact upon the quality and quantity of Governments' supplier base;
- The Crown Commercial Service must retain commercial confidence of all parties

when they choose to engage in commercial activities with the department.

After weighing up the competing public interest considerations, I have determined that the balance of public interest is in favour of withholding this information requested under Section 43(2) of the FOIA.

If you are unhappy with the service you have received in relation to your request or wish to request an internal review, you should write to:

Head of Freedom of Information
Cabinet Office
1 Horse Guards Road
London
SW1A 2HQ

email: foi-team@cabinetoffice.gov.uk

You should note that the Cabinet Office will not normally accept an application for internal review if it is received more than two months after the date that the reply was issued.

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by the Cabinet Office. The Information Commissioner can be contacted at:

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

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. A. Smith', written on a light blue background.

FOI Team
Cabinet Office