



Disclosure Team  
Ministry of Justice  
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3 November 2020

Dear Mr Smith

**Freedom of Information Act (FOIA) Request – 201008024**

Thank you for your request received on 8 October 2020 in which you asked for the following information from the Ministry of Justice (MoJ):

**I would be most grateful if you would provide me, under the Freedom of Information Act, details in respect to the contract below.**

**Award of a Call Off Contract under the Prison Education Dynamic Purchasing System for Fork Lift Truck Training for residents at HMP Risley**

**The details we require are:**

- **Suppliers who applied for inclusion on each framework/contract and were successful & not successful at the PQQ & ITT stages**
- **Actual contract values of each framework/contract (& any sub lots)**
- **Start date & duration of framework**
- **Is there an extension clause in the framework(s)/contract(s) and, if so, the duration of the extension?**
- **Has a decision been made yet on whether the framework(s)/contract(s) are being either extended or renewed?**
- **Who is the senior officer (outside of procurement) responsible for this contract?**

Your request has been handled under the FOIA.

I can confirm the MoJ holds the information you have requested. However, some of the information, in the first three bullets of your request, is exempt from disclosure under section 21 of the FOIA, because it is reasonably accessible to you. Information on the successful bidder, contract value, and start date/duration can be found at:  
<https://www.contractsfinder.service.gov.uk/Notice/9e74fe2d-6ede-4d27-99a3-42dd23005a61>

In relation to your request for the unsuccessful bidders for the contract, this is exempt from disclosure under section 43(2) of the FOIA, because it would, or would be likely to, prejudice the commercial interests of any person.

Section 43(2) is a qualified exemption which means that the decision to disclose the requested material is subject to the public interest test. When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

#### **Public interest considerations favouring disclosure**

- Disclosing this information would demonstrate openness and transparency in the competitive tendering process.
- Greater transparency about which companies have previously bid for public contracts could increase competition and allow public authorities to obtain better value for money.

#### **Public interest considerations favouring withholding the information**

- Disclosing this information would impact future competitions and negotiations. This would prejudice the commercial interests of the MoJ by allowing companies to determine the level of competition for future bids and price/tailor service solutions accordingly, reducing the MoJ's ability to obtain value for money.
- Disclosing this information could damage the commercial interests of companies by revealing that they had previously been unsuccessful when bidding for an MoJ contract, potentially leading to loss of trade. There is a further risk of reputational damage to the MoJ itself by disclosing information that would have a commercial impact on other companies.

On balance, I consider the public interest favours withholding the information at this time.

Turning to your questions about extension clauses I can confirm that there is no such clause in the HMP Risley Call Off contract, and no decisions on extensions or renewals have been made.

I can also confirm that the Governor of HMP Risley is the Senior Responsible Owner for the contract.

#### **Appeal Rights**

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

[data.access@justice.gov.uk](mailto:data.access@justice.gov.uk)

Disclosure Team, Ministry of Justice

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

**Allen Casey**

Briefing and Correspondence Team

HM Prison and Probation Service