



Information Rights

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Maddie Ritson

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09 November 2021

Dear Maddie Ritson

## Freedom of Information Request - RFI20211548

Thank you for your request to the BBC of 14<sup>th</sup> October 2021 seeking the following information under the Freedom of Information Act 2000 ('the Act'):

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

*Moves Services Framework - Lot 3 (Contracts Finder):*

<https://www.contractsfinder.service.gov.uk/Notice/3e56a40c-e79a-47d7-962d-f5745ef25e25>

*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 spend on this contract/framework (and any sub lots), from the start of the contract to the current date*
- *Start date & duration of framework/contract?*
- *Could you please provide a copy of the service/product specification given to all bidders for when this contract was last advertised?*
- *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?*

In accordance with section 1(1) of the Act, the BBC confirms that we do hold information regarding the Moves Services Framework that is within the scope of your request. However we consider this information to be exempt from disclosure under section 43(2) of the Act as disclosure would be likely to prejudice the commercial interests of the BBC or third parties or both.

As section 43 is a qualified exemption, the BBC is required by section 2(2) of the Act to consider the public interest factors both for and against disclosing information in relation to this request. Specifically, we looked at whether in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Factors in favour of disclosing this information:

- that there is transparency in the accountability of the BBC for public funds
- that the BBC is using public money effectively, and that the BBC is getting value for money when purchasing goods and services
- that the BBC's commercial activities (including the procurement process) are conducted in an open and honest way

Factors for withholding disclosure of this information:

- damage the BBC's (and/or a third party's) business reputation or the confidence that customers, suppliers or investors may have in it
- prejudice the negotiating position of the BBC (and/or a third party) in ongoing contractual negotiations
- weaken the BBC's bargaining position with suppliers of goods and services (which may in turn weaken a third party supplier's bargaining position with other customers)
- have a detrimental impact on the commercial revenue of the BBC or a third party
- weaken the competitive position of the BBC or a third party in their particular market by disclosing sensitive information which would be likely to be used by competitors to gain a competitive advantage
- harm the ability of the BBC or a third party to obtain goods and services in the future

We are therefore satisfied, in terms of section 2 of the Act, that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

However on this occasion we would like to volunteer the following information, the date of the contract/ framework was 01/01/2017 -31/12/2020. The contracted parties rejected the opportunity to extend the contract for an additional period of up to 12 months, and there is currently no plan for the BBC to re-tender this requirement. We have also enclosed a copy of the ITT that was published when the contract was up for tender.

## **Appeal Rights**

If you are not satisfied that we have complied with the Act in responding to your request, you have the right to an internal review by a BBC senior manager or legal adviser. Please contact us at the address above, explaining what you would like us to review and including your reference number. A request for an internal review must be made within 40 working days of receiving the BBC's response to your original request.

If you are not satisfied with the internal review, you can appeal to the Information Commissioner. The contact details are: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, Tel: 0303 123 1113 or see <https://ico.org.uk/>.

Yours sincerely,

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