



Cabinet Office

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PAUL ALLEN

By email: request-589735-06f5438b@whatdotheyknow.com

FOI Reference:FOI328249

16/08/2019

DEAR PAUL ALLEN

I refer to your request where you asked:

Dear Crown Commercial Service,

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

Postal Goods and Services: RM1063 - 16/02/2020

The details I require are:

- *Suppliers who applied for inclusion on each framework/contract and were not successful at the PQQ & ITT stages**
- *Contract values of each framework/contract (& any sub lots), year to date*
- *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?*

**For clarity, the details of the successful and unsuccessful suppliers are kept in the strictest confidence. These details are used only to contact and support suppliers regarding their bidding activity for the relevant contracts.*

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

Please note that the requested commercial arrangement was completed using the “Open” procurement procedure, meaning there was no PQQ or ITT stage used throughout the procurement process.

I am withholding the list of unsuccessful bidders for each commercial arrangement, as I believe that the disclosure of this information would be likely to prejudice the commercial interests of those companies who bid for each commercial arrangement 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;

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 third party bidders when they choose to engage in commercial activities with us. The release of this information may jeopardise this commercial confidence;

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

The successful suppliers, the start date and duration of the framework agreement is 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.

To assist you, the requested information is disclosed on the CCS website at the following link:

RM1063 - <https://ccs-agreements.cabinetoffice.gov.uk/contracts/rm1063>

If you have any queries about this letter, please contact the FOI team quoting the reference number above.

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:

Tristan Pedelty
Cabinet Office
70 Whitehall
London
SW1A 2AS
e-mail: foiteam@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 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 dark ink, appearing to be 'J. Pedelty', is written over a light grey circular stamp. The signature is fluid and cursive.

FOI Team
Cabinet Office