

Date issued: 22 December 2020

Freedom of Information Request

We are writing in response to your Freedom of Information request. Your request has been considered in accordance with the requirements of the Freedom of Information Act and our information access policy.

You asked for the following information:

*“Please can I request the tender submission of the highest scoring bidder (minus any commercially sensitive information and personal data) for the following tender:
Design consultancy for office space and supply of furniture and associated services”*

Having reviewed your questions, we are able to provide the following information:

Transport for Wales is unable to provide this information. A tender submission is deemed commercially sensitive in its entirety; therefore this information cannot be provided even in a redacted format.

The following exemptions to the right of access under the Freedom of Information Act (2000) have been applied: S43(1) & S43(2) (Prejudice to Commercial Interests). This includes information which would likely affect the supplier’s competitive advantage. Whilst we recognise that there will be a high level of interest in tender events carried out, we believe that releasing this information would damage our ability to engage with suppliers in the future.

The use of this exemption is subject to an assessment of the public interest in relation to the disclosure of the information concerned. In this instance, factors in favour of disclosure, such as the general public interest in transparency and openness are outweighed by the potential damage to the effective operation of the bidding process. Disclosure would therefore be likely to prejudice Transport for Wales’s ability to obtain best value from its procurement processes, leading to increases in the cost to the public, and the supplier’s ability to compete on a level playing field with other companies. There are a number of companies able to bid for such contracts and the supplier is likely to find themselves competing for similar contracts in the future. In this instance we consider that the public interest lies in obtaining the best value from the market, whilst respecting the implied and explicit obligations of confidentiality which are created through the procurement process.

Transport for Wales recognises the need for openness and transparency by public authorities, but in this instance as disclosure of this information would be likely to prejudice Transport for Wales’

ability to obtain best value from its procurement process and the supplier's ability to compete with other companies, it is considered that the public interest favours the use of the exemption.

Yours sincerely,

Transport for Wales