

Date issued: 15 November 2021

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.

Your Questions Answered

1. Who currently provides rail replacement services to Transport for Wales?

Abellio are the incumbent supplier.

2. How much, per hour, is Transport for Wales charged for a wheelchair accessible coach and a wheelchair accessible minibus for rail replacement services?

This information is exempt from disclosure under Section 43 of the Freedom of Information Act (2000) (prejudice to commercial interests). Releasing this information while there is an active tender exercise underway for these services is likely to prejudice the commercial interests of both the incumbent supplier and TfW. More information about this exemption can be found [here](#).

It is essential that TfW is careful to maintain the integrity of its procurement process in order to achieve the best value for taxpayer's money. Disclosing the price-points of our incumbent supplier, Abellio, is likely to undermine the trust and confidence it has in TfW. It is also possible that potential competitors may note the way TfW treated a successful bidder. In turn, they may lose confidence in us, concerned that we would release their commercially sensitive information into the public domain if they were to successfully bid for one of our contracts. This would have a significant negative impact upon our integrity, and it is likely that these organisations would be reluctant to engage in a TfW tender exercise. This would be likely to damage TfW's commercial interests as it is essential that we attract a wealth of competitors to ensure due consideration is given to achieving value for Welsh public money. As such, disclosing this information is simply not in the public interest.

Releasing this information would also be likely to prejudice the commercial interests of incumbent supplier regardless of whether they decide to engage in the active re-tendering exercise or not, as their price-points would be in the public domain and could artificially manipulate the market by informing the bids of their competitors. This would be true whether Abellio were to bid for further work from TfW, or elsewhere across the public sector.

3. Why is the rail replacement contract being re tendered so soon?

The reason for re-tendering this contract earlier than anticipated is commercially sensitive and is exempt from disclosure under Section 43 of the Freedom of Information Act (prejudice to commercial interests). Section 43 is a qualified exemption, meaning that we must consider the public interest in applying it. It is our belief that, in this instance, releasing this information would likely harm the

commercial interests of the parties involved. Disclosing this information would negatively impact TfW's ability to compete commercially; and as a public body required to achieve the best value for Welsh public money, it is our belief that the public interest falls in favour of applying this exemption, as opposed to disclosing the information.

We hope this information is of use to you.

Yours sincerely,

Transport for Wales

Appeal Rights

If you are unhappy with the way your request has been handled and wish to make a complaint or request a review of our decision, please write to the Head of Freedom of Information at either Transport for Wales, 3 Llys Cdwyn, Pontypridd, CF37 4TH or freedomofinformation@tfw.wales. Your request must be submitted within 40 working days of receipt of this letter. If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision.

The Information Commissioner (ICO) can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or you can contact the ICO through the 'Make a Complaint' section of their website on this link: <https://ico.org.uk/make-a-complaint/>

The relevant section to select will be "Official or Public Information".