

## Response to Request for Information

Reference      FOI 000672  
Date            8 December 2016

### ***Tender***

#### **Request:**

I am writing to request an electronic copy of the tender submitted by Capita Resources Ltd, 71 Victoria Square, Westminster, London, SQ1H 0XA in response to the invitation to tender for Yoo Recruit Agency Social Worker Contract that resulted in award of a contract valued at £6.0m on 13 May 2016. The notice is available on Contracts Finder here: <https://www.contractsfinder.service.gov.uk/Notice/0353c670-9228-4e09-a162-1e8472d78a62?p=@T08=UFQxUIRRPT0=NTNN> and the buyer is listed as Simon Pons, [simon.pons@wolverhampton.gov.uk](mailto:simon.pons@wolverhampton.gov.uk).

In response to your above question I can confirm that the Council holds this information. However, the information you have requested has been considered and is being withheld with reference to Section 43 of the Freedom of Information Act relating to Commercial Interests.

In reaching this decision the Council has conducted a public interest test to balance the factors for and against disclosure of the requested information. Therefore the Council, in applying the public interest test in respect of commercially sensitive information, has considered:

#### **Prejudice or detrimental effect of disclosure**

- Specific circumstances of the case
- Effect of disclosure on the wider world/public

In such cases the public interest factors for disclosure include:

- Demonstrating accountability of public money being spent
- Protection of the public from unsafe practices or rogue traders
- Circumstances in which the information was received
- Competition issues

Further consideration also needs to be given to:

- Whose interests will be prejudiced?
- How will those interests be prejudiced?

- Usefulness of information/detail
- Degree of similarity
- Effect on competition
- Effect on the market
- Timing of the request and response
- Can sensitive information be redacted?
- Where is the public interest?
- Is the information commercial in nature? (For this element the information needs to relate to a commercial activity, either of the Council or the Contractor.)
- Is the information subject to confidentiality provided by law?
- Is the confidentiality provided to protect a legitimate economic interest? (This condition is satisfied if disclosure would adversely affect a legitimate economic interest of either the Council or Contractor the confidentiality is designed to protect and harm would be caused to a legitimate economic interest, not just a potential risk that harm might occur.)

In this case the reason for this is that the contents of the tender bid, submitted in confidence, are commercially sensitive and it would be potentially damaging to the business of the successful tenderer to share their pricing and service delivery methodology with third parties and would likely prejudice the commercial interests of the parties concerned.

The Council considers that it would not be in the public interest to release this information as it is likely to be damaging to the business of the supplier. It might also have a negative impact on fair competition in future tender processes and that it is not common knowledge and would be likely to be used by competitors in a particular market to gain a competitive advantage. The Council also considers the disclosure of such information would be damaging to the Council's commercial interests.

Disclosure under the Act's provisions should also be considered as being made to the wider world and not to a particular individual for a particular purpose.