



[REDACTED]

29 July 2021

Dear [REDACTED],

**Freedom of Information request: FOI2021/00270**

Thank you for your Freedom of Information request received on the 2 June in which you requested the following:

**Your request:**

*Please can you supply the following information under FOI in regard to the following procurement activity.*

*CS20024 UKRI Future Leaders Fellowships Development Network*

1. *All documents relating to the procurement exercise including.*
  - a. *The full tender pack*
  - b. *All tender submission*
  - c. *Conflict of interest details*
  - d. *All subsequent bids for the lot*
  - e. *Details of bidders*
2. *The final document detailing why the 80% quality/20% weighting ratio was decided upon.*
3. *The number and details of attendees at the Zoom meeting held on the 21st of April of 2020 regarding interested parties.*
4. *Details of the portals for tendering that the opportunity was displayed on.*
5. *Details of other activities (marketing etc) to ensure a wide spread of buyers was encouraged.*
6. *All communications, including e-mail, written, video and minutes of meetings in relation to tender evaluation.*
  - a. *A list of the organisations/individuals who evaluated the tender.*
  - b. *The evaluation criteria information*
  - c. *Communications between UKRI and AdvanceHE*
  - d. *The final evaluation meeting minutes/video/record*

**Our response:**

I can confirm UK Research and Innovation (UKRI) hold some of the information relevant to your request. Please see the information below and attached.

1. *All documents relating to the procurement exercise including.*
  - a. *The full tender pack*

Under Section 21, information already reasonably accessible, of the FOIA the following information you have requested is already available in the public domain:

- The full tender pack is available under the "More Information" section of the contract notice page for [CS20024 UKRI Future Leaders Fellows Development Network](#)<sup>1</sup> on Contract Finder.

<sup>1</sup> <https://www.contractsfinder.service.gov.uk/Notice/77d6b711-51ac-4f42-a792-0ff5231225c1>

Section 21 is an absolute exemption which means that there is no requirement to conduct a public interest test.

*b. All tender submission*

We have determined that the information you have requested falls under Section 41 of the FOIA, information provided in confidence. To explain further, companies submit bid proposals in confidence with the expectation that the complete bid information, including their identity, application and the associated documents will be kept in confidence.

When an application is successful the successful bidder is made aware that only certain parts of the application, such as a public description will be put in the public domain. If this information was to be released, we believe it would result in an actionable breach of confidentiality. As this exemption is absolute there is no requirement to conduct a public interest test.

Furthermore, we have determined that the information you have requested also falls under the scope of Section 43(2) of the FOIA. This exemption is used where disclosure would likely result in a person's (an individual, a company the public authority itself or any other legal entities) commercial interests being prejudiced.

This is a qualified exemption, meaning that a test was carried out to determine whether the public interest outweighs the requirement for commercial confidentiality.

**Public interest in favour of disclosure**

- There is a general public interest in the disclosure of this information to ensure transparency and openness of a public organisation.
- There is also a public interest in transparency in order to ensure the accountability of public organisations and how they spend public funding.

**Public interest in favour of withholding the information**

- The information requested contains commercially sensitive information such as business and project plans, cost and schedule information, staff analysis, project plans and extensive descriptions of the project and the approach proposed, all of which were disclosed to UKRI in confidence.
- Releasing such detailed information could be taken advantage of by competitors in planning competing strategies for further business opportunities.
- Releasing information provided in confidence to UKRI is likely to damage the possibility of ongoing relationships with other organisations. Relationships may become untenable if third parties cannot be certain that their commercial information will remain confidential when held by UKRI.
- Breaching the commercial interest may also adversely affect future negotiation opportunities for UKRI. UKRI may be seen as a 'confidentiality' risk if it routinely releases information relating to business arrangements into the public domain, particularly where this is third party information
- We also considered the impact on UKRI if commercially sensitive information of companies we and engage and work closely with were disclosed. We believe it would damage the trust in UKRI and likely impact our ability to carry out our role and manage our current and future investments.

Taking the above arguments into consideration, we reached the decision that the need for commercial confidentiality outweighs the public interest in disclosure; therefore the information requested is exempt from disclosure.

*c. Conflict of interest details*

No Conflicts of interest were identified in this procurement. All parties involved in the evaluation process completed non-conflict of interest declarations, which are attached:

- *"FOI2021\_00270-No-Col-Statement-1\_Redacted"*

- “FOI2021\_00270-No-Col-Statement-2\_Redacted”
- “FOI2021\_00270-No-Col-Statement-3\_Redacted”
- “FOI2021\_00270-No-Col-Statement-4\_Redacted”
- “FOI2021\_00270-No-Col-Statement-5\_Redacted”

We are exempting the names, job titles, organisations and signatures of individuals whose information is not already in the public domain in relation to this tender under section 40(2) of the FOIA. Disclosing this information would contravene the first Data Protection Principle as defined under Section 86 of the Data Protection Act 2018 and Article 5 of UK General Data Protection Regulation (UK GDPR).

Section 40(2) is an absolute exemption and does not require a public interest test.

*d. All subsequent bids for the lot*

This procurement procedure was not divided into lots; therefore we consider this question to be a repetition of Q1b.

*e. Details of bidders*

A total of 13 bids were received, however we have determined that the identity and details of the bidders falls under Section 41 of the FOIA, information provided in confidence. To explain further, companies submit bid proposals in confidence with the expectation that the complete bid information, including their identity, application and the associated documents will be kept in confidence.

When an application is successful the successful bidder is made aware that only certain parts of the application, such as a public description will be put in the public domain. If this information was to be released, we believe it would result in an actionable breach of confidentiality. As this exemption is absolute there is no requirement to conduct a public interest test.

*2. The final document detailing why the 80% quality/20% weighting ratio was decided upon.*

Please find attached “FOI2021\_00270 RE\_ UKRI Fellows development network tender questions \_Redacted”.

We are exempting the names, job titles and contact details of individuals whose information is not already in the public domain in relation to this tender under section 40(2) of the FOIA. Disclosing this information would contravene the first Data Protection Principle as defined under Section 86 of the Data Protection Act 2018 and Article 5 of UK General Data Protection Regulation (UK GDPR).

Section 40(2) is an absolute exemption and does not require a public interest test.

*3. The number and details of attendees at the Zoom meeting held on the 21st of April of 2020 regarding interested parties.*

The information on total number of attendees is not held.

To explain further, full participation lists are only saved on Zoom for one year and therefore expired on 21 April 2021. UKRI can confirm, however, that a minimum of 38 people attended this meeting as we hold details of those that attended and gave permission for their details to be shared with other attendees.

We are exempting the details of these attendees under section 40(2) of the FOIA. Disclosing this information would contravene the first Data Protection Principle as defined under Section 86 of the Data Protection Act 2018 and Article 5 of UK General Data Protection Regulation (UK GDPR).

Section 40(2) is an absolute exemption and does not require a public interest test.

4. *Details of the portals for tendering that the opportunity was displayed on.*

Contracting Authority prior information notices and contract notices were issued on [TED](#)<sup>2</sup> and [Contracts Finder](#)<sup>3</sup>. These can be found here:

- [TED prior information notice](#)<sup>4</sup>
- [TED contract notice](#)<sup>5</sup>
- [Contracts Finder prior information notice](#)<sup>6</sup>
- [Contracts Finder contract notice](#)<sup>7</sup>

5. *Details of other activities (marketing etc) to ensure a wide spread of buyers was encouraged.*

The Contracting Authority did not seek to encourage buyers to express an interest in this opportunity, only suppliers. As advised in our response to Q4, the opportunity was advertised on TED and Contracts Finder.

6. *All communications, including e-mail, written, video and minutes of meetings in relation to tender evaluation.*  
a. *A list of the organisations/individuals who evaluated the tender.*

We are exempting the names of individuals and their organisations who evaluated the tender whose information is not already in the public domain under section 40(2) of the FOIA. Disclosing this information would contravene the first Data Protection Principle as defined under Section 86 of the Data Protection Act 2018 and Article 5 of UK General Data Protection Regulation (UK GDPR).

Section 40(2) is an absolute exemption and does not require a public interest test.

b. *The evaluation criteria information*

Under Section 21, information already reasonably accessible, of the FOIA information on the evaluation criteria is already available in the public domain as part of the Contracting Authority notices, links to which are provided in our response to Q4.

Section 21 is an absolute exemption which means that there is no requirement to conduct a public interest test.

c. *Communications between UKRI and AdvanceHE*

This information is not held. An email search was conducted on the UKRI employees involved in the tender evaluation for communications between 1 June 2020 and 30 September 2020 using the following keyword combinations:

- "CS20024" or "Future Leaders Fellowships" or "Development Network" or "FLF" or "Network Tender" and;
- "AdvanceHE" or "Advance HE"

From these search results we identified no communications between UKRI and AdvanceHE in relation to this tender evaluation.

d. *The final evaluation meeting minutes/video/record*

This information is not held. The tender process was completed based on average tender scores entered into the Delta eSourcing Portal, therefore there was no final evaluation meeting.

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<sup>2</sup> <https://ted.europa.eu/>

<sup>3</sup> <https://www.contractsfinder.service.gov.uk/>

<sup>4</sup> <https://ted.europa.eu/udl?uri=TED:NOTICE:158323-2020:TEXT:EN:HTML&src=0>

<sup>5</sup> <https://ted.europa.eu/udl?uri=TED:NOTICE:298112-2020:TEXT:EN:HTML&src=0>

<sup>6</sup> <https://www.contractsfinder.service.gov.uk/notice/9a12858b-4842-4c53-bd13-e8afe37fc1f2?origin=SearchResults&p=1>

<sup>7</sup> <https://www.contractsfinder.service.gov.uk/Notice/77d6b711-51ac-4f42-a792-0ff5231225c1>

If you have any queries regarding our response or you are unhappy with the outcome of your request and wish to seek an internal review of the decision, please contact:

Head of Information Governance

Email: [foi@ukri.org](mailto:foi@ukri.org) or [infogovernance@ukri.org](mailto:infogovernance@ukri.org)

Please quote the reference number above in any future communications.

If you are still not content with the outcome of the internal review, you may apply to refer the matter to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the review procedure provided by UKRI. The Information Commissioner can be contacted at: <http://www.ico.gov.uk/>

If you wish to raise a complaint regarding the service you have received or the conduct of any UKRI staff in relation to your request, please see UKRI's complaints policy: <https://www.ukri.org/about-us/policies-and-standards/complaints-policy/>

Yours sincerely,



Information Governance

Information Rights Team

UK Research and Innovation

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