

[REDACTED]

6 December 2022

Dear [REDACTED],

Freedom of Information request: FOI2022/00379

Thank you for your Freedom of Information request received on the 19 November in which you requested the following:

Your request:

I write to you in relation to a contract you awarded.

Contract title: UKRI-2104 STFC Air-Conditioning Maintenance, Reactive, Remedial and Project Installations

Date of award of this notice: 14/11/2022

Information Requested

In accordance with s.1 of the Act, which provides a general right of access to information held by public authorities, I wish to receive the following information:

- *A copy of the list of all bidders (company names) and, from those, the bidders who were successful*

I request that any personal data relating to individuals is removed before this information is sent. Should the scorecards be unavailable I would request that the list of applicants only be submitted.

Our response:

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

Under Section 21 of the FOIA, information already reasonably accessible, the published details of the contract [UKRI-2104 STFC Air-Conditioning Maintenance, Reactive, Remedial and Project Installations](#)¹ includes the identity of the supplier that was successful in this tender process.

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

We have determined that the identity of the unsuccessful bidders and evaluation scorecard for the tender falls under Section 41 of the FOIA, information provided in confidence. To explain further, companies submit their contract or procurement bids in confidence with the understanding that details of their application will remain confidential, when unsuccessful. If released, we believe it would result in an actionable breach of confidence.

As this exemption is absolute there is no requirement to conduct a public interest test.

¹ <https://www.contractsfinder.service.gov.uk/notice/c8ef94df-aa0a-479f-abb6-16838522f91e>
UK Research and Innovation, Polaris House, North Star Avenue, Swindon SN2 1FL

We also believe the identity of the unsuccessful bidders and evaluation scorecard for the tender 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

- There is a public interest in protecting commercially sensitive information including the names of unsuccessful bidders and their evaluation scores for UKRI procurement processes.
- This is confidential information and release would prejudice UKRI's capacity to successfully attract companies to participate in any future procurement processes.
- 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.

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 is exempt from disclosure.

It may be worth noting that the publicly available [tender documentation](#)² does indicate that 8 tenders were received for this contract.

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 or 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: www.ico.org.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,

² <https://ukri.delta-esourcing.com/delta/respondToList.html?accessCode=A3Q2X7D74J>



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