

FOI DoF/2023-0074

Request

From your initial correspondence dated 15/02/2023 and subsequent clarifications on 16/02/2023 and 17/02/2023, you have requested the following information in relation to contracts awarded by the Department of Finance for Construction and Agri food production, when building ethical and resilient supply chains has been used as the social value theme:

FOI Request made 15/02/2023

Can you advise on the number of tenders which have included modern slavery prevention strategy clauses within the social value element of Northern Ireland tenders.

Are you further in a position to offer redacted examples of when Modern Slavery has been part of the Social Value element of Northern Ireland Tenders and the level of performance provided by the submitters.

Clarification received from requester on 16/02/2023

I am most keen to understand how effective the introduction of Social Value and particularly the modern slavery criteria has been as a driver to improve the response to Modern Slavery so the date of of June 2021 is the perfect start date

This is broken up into 2 parts. In the tenders What is the ask to -What good looks like in the theme - Building ethical and resilient supply - chains.

The second part will be the submissions given to answer these points and the scores awarded.

May I also request a copy of the annual report on the implementation of the scoring social value policy.

Further clarification requested by DoF from requester on 17/2/23

For the avoidance of doubt, to narrow the request, can you confirm that you are requesting the following information in relation to contracts awarded by the Department of Finance for Construction and Agri food production, when building ethical and resilient supply chains has been used as the social value theme:

Point 1

- the social value criteria included in the scope of the ITT for building ethical and resilient supply chains;
- the responses in tender submissions in relation to the social value criteria for building ethical and resilient supply chains;
- the scores awarded for these responses to the social value criteria.

Point 2

Can you also confirm that you are content with June 2022 as a start date? As previously advised, inclusion of scored social value criteria for above threshold services and construction contracts became mandatory on 01 June 2022.

Further clarification response received from requester on 17/2/23

I would like to confirm both points

As a result of the clarification detailed above, DoF intend providing a response based on the three points listed below, over the time period June 2022 up to the date your request for information was received.

- Request 1 - the social value criteria included in the scope of the ITT for building ethical and resilient supply chains.
- Request 2 - the responses in tender submissions in relation to the social value criteria for building ethical and resilient supply chains.
- Request 3 - the scores awarded for these responses to the social value criteria.

Response

I can confirm that DoF holds some of the information requested. In relation to Construction Contracts from 01 June 2022, the information requested, the information held, and any information being withheld is outlined below.

In relation to Agri Food Service production contracts, the department does not hold the information. The application of Mandatory Social Value Criteria is applicable to Services and Works contracts and not Goods/Supplies Contracts.

I must advise that due to the commercial nature of some of the information requested it has been necessary to withhold some of the information in regard to the detail you have requested in question 2.

We are withholding the actual tender responses submitted in response to the social value criteria used.

Disclosing the detailed narrative of a tenderer's response to a quality submission describing how a company plans to fulfil their obligations under social value, together with the scores applied by the tender evaluation panel may cause commercial harm to a company. Their commercial approach could be replicated by others and put them at a disadvantage from competitors in future tenders.

As a result, DoF are exempting this information under FOIA Section 43(2) *Commercial Interests*- which states- information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

In considering the application of S.43(2) DoF has conducted a Public Interest Test to determine whether the public interest is best served by disclosure or non-disclosure. In this case, after weighing up competing arguments, DoF has decided that the public interest is best served by withholding the information, as disclosure would be likely to prejudice the commercial interests of the Tenderers and potentially discourage competition.

Full details of the Public Interest Test applied to rely on this exemption are set out in Annex B which is provided as a separate attachment.

In relation to contracts awarded since June 2022 by the Department of Finance, for Construction Contracts, DoF can confirm the following:

Request 1

The social value criteria included in the scope of the ITT for building ethical and resilient supply chains.

Response 1

Since 1st June 2022 the theme of 'Building Ethical and Resilient Supply Chains' has been included as one of four optional themes within the procurement of a Framework to provide construction related professional services. The Framework is entitled 'Department for Communities Public Realm/Environmental Improvement Schemes ICT Framework 2022 – 2026'.

Each supplier seeking to be appointed to the Framework was required to achieve at least 150 points within its Social Value Delivery Plan (SVDP), a blank copy of which is attached as a separate document – please see Annex C.

The Framework was awarded to four consultant practices and subsequent contracts will be awarded following a secondary competition process.

Request

The responses in tender submissions in relation to the social value criteria for building ethical and resilient supply chains.

1

1

Response

2

As part of their tender response, consultants were required to complete and submit a Social Value Delivery Plan referred within Response 1. Tenders were also required to complete a Social Value quality response via a Tender Package Quality Submission document (TPQS) a blank copy of which is attached as a separate document – please see Annex D.

We have applied S. 43(2) Commercial Interests to the actual tender responses submitted.

In relation to the Social Value Submissions received I can confirm the following:

The option to use the theme 'Building Ethical and Resilient Supply Chains' was taken up by two of the four winning consultants:

- One winning tenderer included 6 hours against 'Business development and knowledge sharing with a Voluntary or Community organisation or Micro Enterprises in NI' which is under the theme of 'Building Ethical and Resilient Supply Chains'. This earned the tenderer 7.5 points against the required total of 150 points.
- Another winning tenderer included 'Inclusion of one Micro Enterprise, which is in its first 4 months of trading, in the contract's supply chain' which is under the theme of 'Building Ethical

and Resilient Supply Chains'. This earned the tenderer 20 points against the required total of 150 points.

- The two remaining winning tenderers chose not to select the 'Building Ethical and Resilient Supply Chains' as an option and made up the required 150 points across the other three themes.

The actual responses submitted are being withheld under S43(2) as outlined above and within the PIT test.

Request 3

The scores awarded for these responses to the social value criteria.

Response 3

The panel scored all winning consultants 5 points for their Social Value quality submission equating to 10% of the overall available tender score.