

Annex B PUBLIC INTEREST TEST

Request Ref:	DOF/2024-0126		
Request summary:	Request for information for the Project "Project Name: ID 5022922 DfE - CITBNI - IT Management Support Reference number: GB003ZM514820"		
Information details:	Exemption applied	Disclosure	Non-disclosure
<p>1. Copy of successful tender.</p> <p>2. Scoring table of all bidders, split by scores awarded for each question of bid.</p> <p>3. Price / Cost proposed by each Bidder – for all bidders who submitted a response</p> <p>5. Name & Rank of all bidders who submitted responses.</p>	<p>Section 43(2)</p> <p>Section 43 of the Freedom of Information Act exempts information from disclosure which would be likely to prejudice the commercial interests of any person including the department.</p>	<p>i. The right of the public to have access to information; ii. The right of the public to know that public money is being spent wisely;</p> <p>iii. The public interest in disclosing information about public sector tender competitions to ensure that authorities' procurement processes are conducted in an open and fair manner.</p>	<p>i. Any release of the tender response and pricing would prejudice the market/competition and unfairly advantage the requestor. Further, where a release would reveal the commercial advantages that parties may have developed over many years at significant cost, I am satisfied that such a disclosure would be likely to cause significant damage to its commercial interests.</p> <p>ii. Any release of the scoring and ranking would prejudice the market/competition and unfairly advantage the requestor. The ranking would indicate market position of the companies and identify the unsuccessful parties, damaging their reputation and commercial opportunities.</p> <p>iii. Releasing the price/cost information requested would reduce tenderers' ability to compete successfully for such services in the future in both the public and private sectors and, by disclosing commercially sensitive material in this way, could diminish confidence in the integrity of the public tendering process and thus disincline companies from competing in such contests. That would weaken the ability of public authorities to obtain value for money in procurement and I consider that is the overriding public interest in considering whether or not to release the information sought and which has been withheld.</p> <p>iv. Any release of the winning bid and successful tender would prejudice the market/competition and unfairly advantage the requester.</p>

PUBLIC INTEREST DECISION: After weighing up the competing public interest considerations, it is reasonable in all the circumstances that the information should be withheld from disclosure. Disclosure would cause significant damage to the commercial interests of the contractor and the contracting authority and weaken ability of public authorities to obtain value for money for the public purse. The public interest in maintaining the exemption therefore outweighs the public interest in disclosure.

