

26 February 2016

Dear

**ATISN 9998**

Thank you for your request which I received on 26.11.2015 about NPS-CS-0022-15 All Wales Printing Services Framework.

You requested under the Freedom of Information Act, the relevant advantages the chosen competitors have over you as a business in terms of pricing to understand if these are realistic market prices.

I have decided that the information requested is exempt from disclosure under section 43 (commercial interests) of the Freedom of Information Act and is therefore withheld. The reasons for applying this exemption is set out in full at Annex 1 to this letter.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

or Email: [FreedomOfInformationOfficer@wales.gsi.gov.uk](mailto:FreedomOfInformationOfficer@wales.gsi.gov.uk)

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

## Annex 1

I have decided to withhold the following information:

Information being withheld	Section number and exemption name
Prices	43 (commercial interests)

This Annex sets out the reasons for the engagement of section 43(2) Commercial interests) of the Freedom of Information Act.

The intention behind this exemption is to prevent the disclosure of information which could cause serious harm to the commercial interest of any individual/organisation, namely, their ability to successfully participate in a commercial activity. Section 43 (2) is a public interest tested exemption, which means that, in order to withhold information under it, it has to be shown that the public interest in releasing the information is outweighed by the public interest in withholding it.

Section 43(2) reads:

“Information is exempt if its disclosure under this Act would, or would be likely to, prejudice the commercial interest of any person (Including the public authority holding it)”.

The Welsh Government acknowledges the inherent public interest in the openness and transparency that release of this information would engender. Release of the information could allow individuals to understand the rationale behind why decisions have been made and, in some cases, assist them in challenging these decisions

However, we have consulted with the successful suppliers in Lot 2, and the decision has been taken to withhold the information under section 43(2) (Commercial Interests) of the Freedom of Information Act.

Following dialogue with the successful suppliers, it has further confirmed the conclusion that the prices submitted as part of the tender were acceptable, and that revealing any further pricing information to yourselves, or any other competitor, would prejudice their commercial interests when competing for future work through the All Wales Printing Services Framework, and in the wider print market.

Another factor that needs be considered is that the bids were evaluated on the basis of most economically advantageous tender(s) received, and the commercial (30%) and technical (70%) scores achieved by each supplier was added together to provide the final overall score for each Lot, the results were not based on the pricing alone.

As has been explained through previous correspondence, the pricing scenarios included within the tender were based on previous real jobs. The prices quoted by tenderers were evaluated against expected estimates that had been provided by print buyers utilising a predictive costing tool for estimating budgetary commitment purposes, and was used as part of the due diligence process.

Following the individual evaluations, moderation meetings were held with the panel to ensure consistency of scoring and agree consensus scores. As part of the due diligence process members of the panel considered all tenderers commercial submissions and concluded that all costs submitted were acceptable.

If you would like to meet with anyone in NPS to discuss your bids and where perhaps you could improve them in future, please contact the Head of Category Management Simon Griffiths on [simon.griffiths@wales.gsi.gov.uk](mailto:simon.griffiths@wales.gsi.gov.uk) and a face to face de-brief will be arranged for you.

On balance, I believe the public interest in withholding the information is greater than disclosing the information. To that end, this information has been withheld under section 43(2).