



Llywodraeth Cymru  
Welsh Government

21st December 2017

Dear ,

**ATISN 11757 Information regarding Construction Consultancy Framework Agreement - NPS-PS-0004-14**

Thank you for your request which I received on **23<sup>rd</sup> November 2017** requesting the following information.

- All Procurement documentation Included in the ITT For the Architecture Lots in Mid and South Wales only (Lot 5,6,7,8,9,10,11 and 12).
- All Results of evaluation for the Architecture Lots for South and Mid Wales only (Lots 5,6,7,8,9,10,11,12). Including
  - final scoring and positions of each supplier that responded,
  - all evaluator comments for all technical proposals received for those Lots.
- Copies of the technical proposals submitted by the bidders awarded a position on the Architecture Lots in Mid and South Wales only (Lot 5,6,7,8,9,10,11 and 12).
- Please provide details of the usage of the Architecture Lots (Lot 5,6,7,8,9,10,11 and 12) of the framework . Please include the following the number of call-offs made and for each one provide:
  - Whether it was competed or awarded directly,
  - Project title,
  - Value,
  - a short summary of the project,
  - and appointed supplier

A copy of the information I have decided to release is enclosed.

I have decided that some of the information is exempt from disclosure under section 43 (2) of the Freedom of Information Act and is therefore withheld. The reasons for applying these exemptions are set out in full at Annex [ ] 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:



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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



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Name	Danielle Spencer	Response
Address (e-mail or postal)	danielle@polaris-procurement.com	
Request subject/topic	Request for ITT Tender Documentation of Current Framework Reference <b>NPS-PS-0004-14 Construction Consultancy (Property) (17-12-2014 to 16-12-2017)</b>	
Request for Information	<p>Please could NPS provide the following documentation for the aforementioned Framework:</p> <p>All Procurement documentation Included in the ITT For the Architecture Lots in Mid and South Wales only (Lot 5,6,7,8,9,10,11 and 12).</p> <p>This should include</p> <ul style="list-style-type: none"><li>• Instruction to tenderers</li><li>• technical and commercial evaluation criteria used,</li><li>• any minimum requirements,</li><li>• and any/all specification documents included</li></ul>	<p>Please see appendices 1-4 attached.</p> <ol style="list-style-type: none"><li>1. ITT Instructions</li><li>2. Generic Qualification</li><li>3. Arch Specific Qualification, Technical and Commercial</li><li>4. Qualification Appendix</li></ol>



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Name	Danielle Spencer	Response
Address (e-mail or postal)	danielle@polaris-procurement.com	
Request subject/topic	Request for Results of Tender Reference <b>NPS-PS-0004-14 Construction Consultancy (Property) (17-12-2014 to 16-12-2017)</b>	
Request for Information	<p>Please could NPS provide the following documentation for the aforementioned Framework:</p> <p>All Results of evaluation For the Architecture Lots for South and Mid Wales only (Lots 5,6,7,8,9,10,11,12). Please include:</p> <ul style="list-style-type: none"><li>• final scoring and positions of each supplier that responded,</li><li>• all evaluator comments for all technical proposals received for those Lots</li></ul>	<p>Please see appendices 5&amp;6 attached.</p> <p>The evaluation was undertaken on a consensus basis, i.e. evaluators met to consider and agree scores. Please find attached the anonymised (by evaluator) comments and scores.</p> <p>5. Final Positions 6. Technical Scores and Comment</p>



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Name	Danielle Spencer	Response
Address (e-mail or postal)	danielle@polaris-procurement.com	
Request subject/topic	Request for Tender proposals for Current Framework Reference <b>NPS-PS-0004-14 Construction Consultancy (Property) (17-12-2014 to 16-12-2017)</b>	
Request for Information	<p>Please could NPS provide the following documentation for the aforementioned Framework:</p> <p>Please provide copies of the technical proposals submitted by the bidders awarded a position on the Architecture Lots in Mid and South Wales only (Lot 5,6,7,8,9,10,11 and 12).</p>	<p>I have decided that the information described is exempt from disclosure under section 43(2) of the Freedom of Information Act and is therefore withheld. The reasons for applying these exemptions are set out in full at Annex A to this letter.</p>



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Name	Danielle Spencer	Response
Address (e-mail or postal)	danielle@polaris-procurement.com	
Request subject/topic	Request for details of Framework Usage Framework Reference <b>NPS-PS-0004-14</b> <b>Construction Consultancy (Property)</b> <b>(17-12-2014 to 16-12-2017)</b>	
Request for Information	<p>Please could NPS provide the following documentation for the aforementioned Framework:</p> <p>Please provide details of the usage of the Architecture Lots (Lot 5,6,7,8,9,10,11 and 12) of the framework . Please include the following the number of call-offs made and for each one provide:</p> <ul style="list-style-type: none"><li>• Whether it was competed or awarded directly,</li><li>• Project title,</li><li>• Value,</li><li>• a short summary of the project,</li><li>• and appointed supplier</li></ul>	<p>The data held by NPS indicates that the value of work commissioned through the framework for Architecture is</p> <p>£ 670,498.35</p> <p>Individual project and regional lot information is not held centrally.</p>



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## Annex A

I have decided to withhold the following information:

Information being withheld	Section number and exemption name
Copies of the technical proposals submitted by the bidders awarded a position on the Architecture Lots in Mid and South Wales only (Lot 5,6,7,8,9,10,11 and 12) relating to the Construction Consultancy Framework NPS-PS-0004-14	Section 43 (2) Commercial Interests

This Annex sets out the reasons for the engagement of section(s) 43 of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

### **Engagement of section 43 (Commercial Interests) of the Freedom of Information Act.**

The Welsh Government believes that the commercial information contained within the tender documents requested should be exempt from disclosure. Disclosure of the requested information would prejudice the commercial interests of the bidders in question.

### **Public Interest Test**

In order to satisfy the public interest test in relation to the exemption(s), it is necessary to conclude that the public interest arguments in favour of withholding the information are sufficient to *outweigh* the public interest arguments in favour of release.

### **Public interest arguments in favour of disclosure**

The general intention of the Freedom of Information Act is to make information held by a public authority available to the public and to help them gain a better understanding of the decisions made by government. Those in receipt of public money should expect a degree of public interest and scrutiny in how that money is to be, or has been, used to meet a strong public interest in seeing that government gets the best value from the public purse.



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### **Public interest arguments in favour of withholding**

The disclosure of some of the information caught by this request, which includes details of pricing structures, existing customers, internal processes and policies and other information, would give competitors an unfair advantage in future tendering as well as placing the successful companies at a disadvantage by not having access to equivalent information about competitors.

The concern of the companies and our concern is that if this information was released into the public domain it would have a detrimental impact on the companies in question. The release of information at this time would be of interest to any commercial competitor and would disadvantage the companies in terms of tendering for future work and weaken their position in a competitive market. Furthermore the companies' commercial interests would be prejudiced in the re-tender of the Framework, and additionally the disclosure of this information would be likely to reduce the ability of WG to ensure a fair and competitive tender process.

It is not in the public interest that the Welsh Government should put any business at a competitive disadvantage.

### **Balance of public interest test**

In conclusion, we believe that the balance of the public interest therefore falls in favour of withholding this information.