

29th October 2007

Our ref: R00013

Freedom of Information Request - SEEDA Legal Services Panel – Company Tenders

Your Request

Please provide the release of the tender documentation under an FOI request.

SEEDA Legal Services Panel – Company Tenders

The process to consider the release of the tender documentation under an FOI request has been particularly complex because the tenders contain a mixture of business sensitive, confidential and personal material. SEEDA has completed a consultation exercise with the thirteen companies appointed to its legal services panel to seek their views on the disclosure of their tender documentation and consider the arguments put forward against disclosure. Finally SEEDA has conducted a public interest test to consider what parts of the tenders can be disclosed.

Formation of Disclosure Policy

The information in the tenders has been classified into generic types and its disclosure considered under all appropriate exemptions, namely section 40 (Personal Data), section 41 (Information Provided in Confidence) and section 43 (Commercial Interests). In taking these exemptions into account SEEDA has arrived at a disclosure policy to be applied to all the tenders, and has also considered specific exclusions requested by the individual tenderers. The disclosure policy is summarised under the next two headings.



Information Types not to be Disclosed

Information Type	Reason
Pricing	SEEDA required tenderers to sign a non-collusive tendering certificate. In keeping with this policy it is believed that the uncontrolled disclosure of pricing information will be against the public interest as it is anticompetitive and will support the formation of cartels.
Insurance details	Insurance arrangements are confidential between suppliers and insurers.
CVs	It is not in the public interest to disclose CVs to third parties because it could lead to staff poaching and be anticompetitive. In addition it is not known whether individuals have given consent for their CVs to be to be disclosed.
Case studies and references	Case studies and references have been provided in confidence for the sole purpose of the tender to SEEDA.
Client names	It is not known how many clients have given permission for the disclosure of their names.
Partnership accounts	It is not in the public interest to disclose detailed partnership accounts as it could be commercially damaging to the companies involved.
Proprietary information	It is accepted that many companies have provided valuable proprietary information in the way they deal with clients, particular types of brief, and the technical facilities they offer to clients. Companies have invested significant effort and resources in creating special services for their clients and it would not be in the public interest to disclose such information to their competitors.
Other information, e.g. signed certificates, references to confidential work performed for SEEDA or confidential information about supplier plans.	Other information has been withheld because it is personal data or it has been provided in confidence.

Information Types to be Disclosed

Information Type	Reason
Company policies implementing legislation	It is considered in the public interest that compliance with legislation should be disclosed.
Company policies regarding quality assurance and the environment.	It is considered in the public interest that these policies should be disclosed as it will help maintain standards and set benchmarks for all companies to aspire to.
General supplier information	It is considered that certain information is already in the public domain and there is no reason to withhold it, e.g. range of projects by type, numbers of staff, internal organisation.

Processing of Tender Documentation

Each set of tender documentation has been compared to the above information types and the information has either been withheld or is contained in the separate attachment provided with this letter.

Attachment: Disclosed tender documentation in alphabetical order of company.

N.B Redacted tender documents have not been provided as this information is not available electronically.