



Northamptonshire Fire and Rescue Service

15 February 2024

Northamptonshire Fire and Rescue Service FOI 0731/24 - Duty Management System Contract

Request:

I am writing to you under the Freedom of Information Act 2000 to request the following information for the Project

Project Name: Duty Management System

Reference number: 20230908164358-105822

Link: <https://www.contractsfinder.service.gov.uk/notice/45f28cb7-969c-4b71-87cc-8b16adccd083?origin=SearchResults&p=1>

1. Copy of successful tender – we want this information under freedom of Information act 2000
2. Scoring table of all bidders, split by scores awarded for each question of bid
3. Price/Cost Proposed by each Bidder – we want this information for all the bidders who submitted the response.
4. Name of the Winning Bidder.
5. Name & Rank of all bidders who submitted responses.
6. Approximate date that the tender will be reissued towards the end of the current contract period.

Response:

1. This information is refused under Section 43(2) - Commercial Interests - please see the explanation below.
2. Some of this information is refused under Section 43(2) - Commercial Interests - please see the explanation below.

Please see the table below with anonymised bidders apart from the winning bidder. Northamptonshire Fire and Rescue Service (NFRS) will not disclose the names of the

Northamptonshire Fire and Rescue Service
Service Headquarters
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Northamptonshire Fire and Rescue Service

bidders apart from winning one under PCR 2015; this satisfies the transparency requirements under procurement regs.

Supplier	SSQ	Moscow-requirements	Moscow-hosting	Quality questionnaire	Security questions	Commercial pricing	Demo	Total
Fire Service Rota	pass	pass	pass	19%	pass	35.00%	34.00%	88.00%
Supplier A	pass	pass	pass	10.50%	pass	did not proceed		Did not proceed as exceeded budget
Supplier B	pass	pass	pass	9.50%	1	did not proceed		Did not proceed as quality not met
Supplier C	pass	pass	pass	13.50%	1	did not proceed		Did not proceed as quality not met
Supplier D	pass	pass	pass	9.00%	1	did not proceed		Did not proceed as quality not met
Supplier E	pass	pass	pass	12.50%	pass			Rejected as non compliant

3. This information is refused under Section 43(2) - Commercial Interests - please see the explanation below.
4. Fire Service Rota BV
5. This information is refused under Section 43(2) - Commercial Interests - please see the explanation below.
6. The market engagement and tender is likely to be reissued between September 2027 and March 2028 if all permissible extension options are used.

Your request for information has now been considered. Northamptonshire Fire and Rescue Service (NFRS) is not obliged to provide some of the information that you have requested under the Freedom of Information Act 2000. Please take this letter as a Refusal Notice to this part of your request.

Section 17 of the Freedom of Information Act 2000 requires that, NFRS, when refusing to provide such information (because the information is exempt) is to provide you the applicant with a notice which:

- a) States that fact
- b) Specifies the exemption(s) in question and
- c) States (if that would not otherwise be apparent) why the exemptions apply.

In relation to your request, the following exemption applies:

- Section 43(2) - Commercial Interests

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Section 43(2) is a qualified, prejudice-based exemption, and there is a requirement to evidence the harm and consider the public interest.

Evidence of Harm

Under the Act, we cannot, and do not request the motives of any application for information. We have no doubt that the vast majority of requests made under the Act are legitimate. However, in disclosing information to one applicant, we are expressing a willingness to provide it to anyone in the world. This means that a disclosure to a genuinely interested and concerned person automatically opens it up for a similar disclosure, including to those who would use the information to gain an advantage over NFRS. In considering whether or not this information should be disclosed, consideration has been given to the potential harm that could be caused by disclosure.

Disclosure of the information requested relating to a copy of successful tender, price/cost proposed by each bidder and the details of the bidders is commercially sensitive, as divulging the details of this is likely to cause financial loss to the provider of the service. Revealing this information may give competitors an advantage in future tendering processes which would be unfair to the provider of the service. This would undermine the integrity and effectiveness of the tendering process for this type of contract, as well as other contracts, as it may dissuade organisations from submitting tenders or encourage those who do, to compete on price rather than quality.

This would reduce the quality of services/products available to the public and for NFRS.

Public Interest Considerations

Factors favouring disclosure - Section 43

There is a clear public interest in ensuring that public authorities are receiving a fair price and value for money from the suppliers of systems and services. As it is the public's money, they have the right to ensure that it is being spent appropriately. This is particularly the case as financial spending comes under increased scrutiny. It is important that NFRS are held accountable for any financial decisions that are made.





Northamptonshire Fire and Rescue Service

Disclosing information about how we spend the public's money and contracts we use would provide a greater transparency in the financial affairs of NFRS. It is clear that there is a public interest in public authorities operating in as transparent a manner as possible, as this should ensure they operate effectively and efficiently.

Factors favouring non-disclosure - Section 43

Disclosure would affect all future procurement for NFRS as the information is of a commercially sensitive nature. Disclosing this specific information is likely to damage the relationship between NFRS and the current service provider and prejudice their commercial interests. This could justifiably prejudice NFRS's position in respect of future negotiations, not just with this contract, but other contracts as well, as releasing commercially sensitive information regarding their current service provider and providing an unfair advantage to other potential new suppliers seeking to bid for future contracts or business, would consequently reduce the opportunities to purchase the best services from suppliers.

Companies compete by offering something different from their rivals. The difference will often be reflected in their price and may also relate to the quality or specification of the product or service they offer. It may also inadvertently reveal information about profit margins and possibly working practices.

Releasing a copy of the successful tender, price/cost proposed by each bidder and the details of all bidders would be a competitive advantage for other companies as there are numerous potential suppliers for these types of services. A contractor would have a weakened position in a competitive environment if market sensitive information was released or information of potential usefulness to its competitors was to be likewise released. NFRS does not want to encourage companies to compete solely on price to the detriment of the quality of the service offered.

Balance Test

For a public interest test, issues that favour release need to be measured against issues that favour non-disclosure. The public interest is not what interests the public, or a particular individual, but what will be the greater good, if released, to the community as a whole.





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Though there is an identifiable public interest in NFRS being open and transparent, NFRS's interests might be jeopardised by release of information that relates to sensitive commercial information held about business, financial or contractual issues, preventing NFRS from obtaining the best deal available. There would also be an impact on the community, as costs to NFRS could be driven up by a lack of competition due to companies refusing to do business with an organisation that releases commercially sensitive information. In addition, the release of any commercially sensitive information may cause harm to the relationship between NFRS and its current - and future - service providers. In relation to contracts and the spending of public funds, NFRS is subject to a number of independent checks.

NFRS want to maintain the quality of the service provided, rather than encourage a situation where companies are competing solely on price. The high quality of service provided is evidently in the interest of the wider public. On procurements over £500, value for money is achieved through the use of the governments procurement website & requisitioning process.

Having weighed up both parts of the public interest test, I have decided on balance it is in the public interest to withhold the requested information. The release of the requested information has the potential to harm the relationship between NFRS and its external provider(s) and prejudice NFRS's financial interest, and to any future tendering processes.

APPEAL RIGHTS

If you are unhappy with how your request has been handled or you do not think the decision is correct, you have the right to ask for a review of the decision.

Prior to lodging a formal appeal you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

Ask to have the decision looked at again

The quickest and easiest way to have the decision looked at again is to telephone the case officer. That person will be able to discuss the decision, explain any issues and assist with any problems.

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Appeal

If you are dissatisfied with the handling procedures or the decision that the Service have made under the Freedom of Information Act 2000 (the Act) regarding access to information, you can lodge an appeal to have the decision reviewed.

Appeals should be made in writing within 20 days of receipt of your reply and either emailed to freedomofinformation@northants.police.uk or addressed to:

**Freedom of Information Manager
Information Unit
Northamptonshire Police Headquarters
Wootton Hall
Northampton
NN4 0JQ**

Where possible the Service will aim to respond to your appeal within 20 working days. However meeting this time scale will depend upon the circumstances and complexity of the issue.

The Information Commissioner

After lodging an appeal with the Service, if you are still dissatisfied with the decision, you may make an application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make an application to the Information Commissioner please visit their website at www.ico.org.uk Alternatively, telephone or write to:

**Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF** **Phone: 0303 123 1113**

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