

Freedom of Information Request

Reference Number: EPUT.FOI.23.3072
Date Received: 31st of July 2023

Information Requested:

I am interested in obtaining information about a tender awarded by Essex Partnership University NHS Foundation Trust Tender for the [Provision of Immersive Simulation Services](#).

Specifically, I would like to request the following information:

1. Copies of the tender documents related to the successful bidder.
The Trust believes that this information is of commercial interest and may prejudice either the supplier or the Trust. The Trust is therefore applying Section 43 of the Act (Commercial Interests):
2. Information about the criteria used to evaluate the tender, including any scoring systems or weightage given to different sections.
The Trust believes that this information is publicly available on the - <https://www.find-tender.service.gov.uk/Notice/033057-2022> website and therefore is applying a Section 21 exemption of the Act (Information accessible to applicant by other means):
3. Details of the contracts awarded, including the contract value, duration, and scope of work.
The Trust believes that this information is publicly available on the - <https://www.find-tender.service.gov.uk/Notice/033057-2022> website and therefore is applying a Section 21 exemption of the Act (Information accessible to applicant by other means):
4. General information about the bidders, such as the names and number of bidders and the range of bid amounts.
The Trust believes that information regarding the bidders is of commercial interest and may prejudice either the supplier or the Trust. The Trust is therefore applying Section 43 of the Act (Commercial Interests):
5. Information about the procurement process, including timelines and any pre-qualification requirements.
The Trust believes that this information is publicly available on the - <https://www.find-tender.service.gov.uk/Notice/033057-2022> website and therefore is applying a Section 21 exemption of the Act (Information accessible to applicant by other means):

I understand that some of this information may be redacted due to privacy or commercial sensitivity, but I would appreciate any information that you are able to provide.

If my request is too wide or unclear, I would be grateful if you could contact me as I understand that under the Act, you are required to advise and assist requesters within 20 days. If any of this information is already in the public domain, please can you kindly direct me to it, with page references and URLs if necessary. Otherwise, I would be most grateful if you could confirm in writing that you have received this request in the meanwhile.

Section 43 (Commercial Interests):

- (1) Information is exempt information if it constitutes a trade secret
- (2) Information is exempt information if its disclosure under this Act would, or would be likely to; prejudice the commercial interests of any person (including the public authority holding it)
- (3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2)

Section 21: Information accessible to applicant by other means.

- (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.
- (2) For the purposes of subsection (1)—
 - (a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and
 - (b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.
- (3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

Publication Scheme:

As part of the Freedom of Information Act all public organisations are required to proactively publish certain classes of information on a Publication Scheme. A publication scheme is a guide to the information that is held by the organisation.

EPUT's Publication Scheme is located on its Website at the following link
<https://eput.nhs.uk>