FOI Request
DN415013 Procurement Feedback

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Request

A)  
1) Which departments were involved with the scoring of this tender?  
2) Who scored the submissions?  
3) Which of these people have had previous experience working within a commercial bus operation?  
4) Based on the Bus Network Performance Manager’s comments to 2.2 – Methodology, please advise what commercial bus operating experience the Bus Network Performance Manager has had prior to joining Merseytravel?  
   A) His comments in this section indicate a lack of understanding of Peak Vehicle Requirements (PVR), Bus Allocation and Output, % Spare Vehicles, Fleet Management, and Maintenance and Repair of vehicles.  
5) This lack of understanding has resulted in my score for Methodology being lower than it should be. Therefore, I respectfully request that his comments, and my score in this section are revisited by someone who has worked the commercial bus industry, and understands bus operations in depth.  
6) In the Bus Network Performance Manager’s comments to 2.4 -Resources, he stated that I did not provide any credentials of the other 3 staff listed as a resource.  
   B) Please advise whether the successful bidder provided details of all their staff that may be deployed on this contract?  
7) The information that I provided in my submission in this section included details of who would provide the Transport Laws and Regulations service, and who would provide any CCTV technical backup and support.  
   C) Please advise why no account was taken of these additional resources?  
8) In the Bus Network Performance Manager’s comments to 2.5 – Similar Contracts, he stated that we had extensive experience, although detail was lacking other than a headline note.  

I provided extensive details of my previous contracts with Merseytravel, with details of all the Compliance and Inspection Audits carried out for Merseytravel. As such, all the reports I compiled and supplied to Merseytravel were with the Bus Services Department.  

Therefore, why were these previous reports not considered?  

B)  
Section 2.6 – Added Value.  

One of the key elements of this contract was that the service provider was to give: - “Access to a subscription service designed to keep Merseytravel’s operation up to date with the latest transport laws and regulations. Potentially this could have included, but not limited to a dedicated website containing useful tools and resources, email service, and free telephone access to support”.  

My earlier question No 9, to the procurement team was whether the successful bidder had offered these key elements of the contract. The answer that I was given was that: -
“The subscription service did not form any part of the evaluation and was therefore not considered in anyway”.

Questions:

1) Why were these key elements not included in the evaluation?
2) Why did Merseytravel decide after the closing date of the tender submission, that they did not want a service that was one of the key elements of the tender, particularly when I was offering all those key elements free of charge, and my financial price was the lowest bid?

C) Extension

The closing date for the tender submission was originally Friday, 26.7.19, at 1000hrs. This was subsequently extended, late in the afternoon of Thursday, 25.7.19, to Monday 29.7.19 at 1000hrs.

1) Who authorised this extension?
2) What was their reason, or reasons for this extension?
3) What is the minimum number of bids that is acceptable for a tender to be awarded?

D) Revised Quantities:

1) What was the reason, or reasons for reducing the quantities required?
2) What was the budget for this contract?

E) Another of my previous questions (No 5) to the procurement team, requested my scores in each section, where section two was divided into sub-sections 2.2 – 2.6. They gave me the scores for each sub-section.

However, when I asked Q6, section 2, i.e. “Where were we placed in each section” their response was not broken down into the subsections 2.2-2.6.

Questions:

1) For section 2 please confirm our position for each sub-section, 2.2-2.6?
2) Please confirm the successful bidder’s numerical score in each sub-section 2.2-2.6?
3) Please confirm the successful bidder’s overall % score?

F) Outcome of the Tender process.

My previous question 11 to the procurement team requested who was responsible for the outcome of this tender, i.e. Who made the decision to select the preferred bidder?

I was advised that: “The procurement process determined the outcome”.

The process cannot make a decision, it can only provide the evaluation criteria on which people provide a score, which is then collated, and which is then be used by a person, or a team of people, to decide their preferred outcome.
Questions:

1) Which dept were responsible for making the recommendation to award the contract to the other bidder, Bus Services or the Procurement Team?

Response

Thank you for your recent request made under the Freedom of Information Act. Please find Merseytravel's response below.

I trust that this information is of interest to you.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review, which should be addressed to:

Mrs Julie Watling
Legal, Democratic Services & Procurement Manager
Merseytravel
PO Box 1976
Liverpool
L69 3HN
julie.watling@merseytravel.gov.uk

If you are not content with the result of your internal review, you also have the right to complain to the Information Commissioner, whose address is

The Information Commissioner’s Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire SK9 5AF
www.ico.gov.uk

A) 1) Which departments were involved with the scoring of this tender?

Bus and Procurement

2) Who scored the submissions?

Bus scored quality, Procurement scored price.

3) Which of these people have had previous experience working within a commercial bus operation?

The information requested is the personal data of the individual officers involved in the procurement process.

Please note that personal information of individuals is exempt under Section 40(2) of the Freedom of Information Act 2000 as disclosure would allow the possibility of the identification of a living individual(s), thereby breaching the General Data Protection Regulation and/or the Data Protection Act 2018.
I believe that there would be no expectation that information regarding their previous experience that is not an essential element of their job description would be disclosed to a third party, and therefore I do not regard disclosure as constituting the ‘fair and lawful’ processing of personal data. As a result, disclosure would breach the First Principle of the General Data Protection Regulation (Article 5(1)(a)).

As you state at A8, you have previously been awarded contracts by Merseytravel and, as far as we are aware, have not raised any queries as to the suitability of those decisions or the relevant experience of the officers who made them.

I am therefore of the opinion that the information would not provide any greater understanding of the subject matter, and there is therefore no overriding legitimate interest in its disclosure. The personal information is question has therefore been withheld in accordance with Section 40(2) of the Freedom of Information Act 2000.

4) Based on the Bus Network Performance Manager’s comments to 2.2 – Methodology, please advise what commercial bus operating experience the Bus Network Performance Manager has had prior to joining Merseytravel? His comments in this section indicate a lack of understanding of Peak Vehicle Requirements (PVR), Bus Allocation and Output, % Spare Vehicles, Fleet Management, and Maintenance and Repair of vehicles.

Please see above response to Q3.

5) This lack of understanding has resulted in my score for Methodology being lower than it should be. Therefore, I respectfully request that his comments, and my score in this section are revisited by someone who has worked the commercial bus industry, and understands bus operations in depth.

This is not an FOI request. As we have previously advised, FOI is entirely separate to the procurement process.

6) In the Bus Network Performance Manager’s comments to 2.4 - Resources, he stated that I did not provide any credentials of the other 3 staff listed as a resource.

Please advise whether the successful bidder provided details of all their staff that may be deployed on this contract?

Yes

7) The information that I provided in my submission in this section included details of who would provide the Transport Laws and Regulations service, and who would provide any CCTV technical backup and support.

Please advise why no account was taken of these additional resources?

Due consideration was given to this aspect of the submission.
8) In the Bus Network Performance Manager’s comments to 2.5 – Similar Contracts, he stated that we had extensive experience, although detail was lacking other than a headline note.

I provided extensive details of my previous contracts with Merseytravel, with details of all the Compliance and Inspection Audits carried out for Merseytravel. As such, all the reports I compiled and supplied to Merseytravel were with the Bus Services Department.

Therefore, why were these previous reports not considered?

As our guidance document states, ‘you should approach your submission as if Merseytravel knows nothing about your organisation and provide full details to the questions asked’. The assessment of supplier responses’ is made solely on the information that you provide in this invitation to tender.

B) Section 2.6 – Added Value.

One of the key elements of this contract was that the service provider was to give: -

“Access to a subscription service designed to keep Merseytravel’s operation up to date with the latest transport laws and regulations. Potentially this could have included, but not limited to a dedicated website containing useful tools and resources, email service, and free telephone access to support”.

My earlier question No 9, to the procurement team was whether the successful bidder had offered these key elements of the contract. The answer that I was given was that: -

“The subscription service did not form any part of the evaluation and was therefore not considered in anyway”.

1) Why were these key elements not included in the evaluation?

The tender required a subscription service to be included, but it was not considered necessary to evaluate the precise method of how the service would be provided.

2) Why did Merseytravel decide after the closing date of the tender submission, that they did not want a service that was one of the key elements of the tender, particularly when I was offering all those key elements free of charge, and my financial price was the lowest bid?

Merseytravel’s position did not change after the closing date.

C) The closing date for the tender submission was originally Friday, 26.7.19, at 1000hrs. This was subsequently extended, late in the afternoon of Thursday, 25.7.19, to Monday 29.7.19 at 1000hrs.

1) Who authorised this extension?

The Procurement department
2) What was their reason, or reasons for this extension?

The Procurement department recommended the extension as the main evaluator was unexpectedly unavailable to begin scoring the submissions. The decision was made that it would be beneficial for the bidders to have extra time to work on their submissions as the evaluation would not have been able to start until the evaluator’s return.

3) What is the minimum number of bids that is acceptable for a tender to be awarded?

We do not set a minimum of required responses however; by going out to open market, we have more than satisfied our constitutional requirements.

D) Revised Quantities:
   1) What was the reason, or reasons for reducing the quantities required?

Upon review of the submitted bids, it was apparent that the required quantities were not suitable, and were therefore revised by the Bus team. All bidders were given the opportunity to amend their submission in light of this change.

2) What was the budget for this contract?

Merseytravel views the details of the budget for this contract as potentially prejudicial to the commercial interests, either belonging to us or a third party, and must give consideration to Section 43 of the Act. Section 43 is a qualified, prejudice-based exemption, and is therefore subject to a public interest test. The Information Commissioner’s Office has issued guidance on Section 43, which can be viewed on their website at this link.

The public interest argument for disclosure is that it allows a greater degree of scrutiny over how public money is spent in the delivery of Merseytravel’s work, while contributing to transparency over how decisions have been reached. It is important that public authorities allow their decisions to be scrutinised by the public to ensure that funds are managed appropriately.

The public interest factors to withhold the information relate to the prejudicial impact that the disclosure would have on the commercial interests of any person (including the public authority itself). It would not, for example, be in the public interest to disclose information about a particular commercial body if that information was not common knowledge and would be likely to be used by competitors in a particular market to gain a competitive advantage. Disclosure under the Act is viewed as to the world at large, not simply to the individual requester, and consideration must therefore be given to how it may be used by any party.

In this particular case, if potential bidders were to know the budget for the contract there is an increased risk that they would ‘aim’ their application at that figure rather than arriving at a figure based purely on the details of the submission. This would mean that Merseytravel was not able to secure the best possible value for money.
We are also conscious that this procurement matter is not concluded, and may be re-advertised. These details are therefore still viewed as sensitive.

In this instance, it is Merseytravel’s opinion that the balance of factors against disclosure of the information outweighs those in favour of release, and is therefore relying on Section 43(2) to withhold the requested information.

E) Another of my previous questions (No 5) to the procurement team, requested my scores in each section, where section two was divided into sub-sections 2.2 – 2.6. They gave me the scores for each sub-section.

However, when I asked Q6, section2, i.e. “Where were we placed in each section” their response was not broken down into the subsections 2.2-2.6.

1) For section 2 please confirm our position for each sub-section, 2.2-2.6?

As stated above, disclosure under FOI must be viewed as to the world at large, and our responses are published on the Merseytravel website.

We assume that you would not want details of your submission made available to the public, and therefore view this information as commercially sensitive in line with Section 43(2) of the Act as outlined in D2 above.

If you are happy for this information to be disclosed to the public under FOI, please let us know. Alternatively, you are able to access this information on a private basis from the Procurement team through the Chest.

2) Please confirm the successful bidder’s numerical score in each sub-section 2.2-2.6?

As above. The successful bidder’s scoring shows the effectiveness of their bid, and, by extension, their business. Applicants would not expect these details to be divulged to their direct competitors or to the general public, and doing so would be likely to dissuade potential applicants, including the successful bidder in question, from engaging with Merseytravel in future procurement exercises. This would hinder the effectiveness of the exercise and mean that Merseytravel does not have a full range of submissions to choose from.

The public interest therefore lies in withholding the requested information.

3) Please confirm the successful bidder’s overall % score?

As above.

F) Outcome of the Tender process.

My previous question 11 to the procurement team requested who was responsible for the outcome of this tender, i.e. Who made the decision to select the preferred bidder?
I was advised that: “The procurement process determined the outcome”. The process cannot make a decision, it can only provide the evaluation criteria on which people provide a score, which is then collated, and which is then be used by a person, or a team of people, to decide their preferred outcome.

1) **Which dept were responsible for making the recommendation to award the contract to the other bidder, Bus Services or the Procurement Team?**

Objective criteria against which all tenders are evaluated is set and published at the commencement of the procurement process. Individuals, or a team of individuals, will evaluate tenders against said criteria and the tender that achieves the highest overall score is deemed to be successful.

In this particular procurement, the quality submissions were evaluated by the Bus Team and the pricing submissions were evaluated by the Procurement Team.