

**Subject:** Request for information on winning bid for Scotlands Census 2021 Contact Centre contract

**FOI reference:** 202000058602

**Date received:** 8 July 2020

**Date responded:** 15 July 2020

**Information requested:**

1. A copy of Arvato's winning bid for the Scotland's Census 2021 Contact Centre contract - ITT Ref: 17/07/05.
2. Is it possible to provide a copy of the bid but anonymise the sensitive information?
3. The URL link to the award, which was not found in TED (Tenders Electronic Daily).
4. Call-off contracts also need to be published into Tenders Electronic Daily, provided they are over the financial threshold, which this contract is. Why wasn't it published?

**NRS Response:**

1. This contract was tendered under the Crown Commercial Services (CCS) Framework ref RM3815 (Lot 2 – Contact Centre Services).

While we endeavour to provide information whenever possible, in this instance exemptions apply to the information requested.

The tender submitted by Arvato Ltd is defined as Service Provider Sensitive Information. An exemption under section 33(1)(b) of FOISA (commercial interests) applies to their tender because its disclosure would, or would be likely to, prejudice substantially the commercial interests of Arvato Ltd. Disclosing this information would be likely to give Arvato Ltd's competitors an advantage in future similar tendering exercises, which would substantially prejudice Arvato Ltd's ability to submit competitive tenders and so could significantly harm their commercial business.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information

as part of open and transparent government, and to help account for the expenditure of public money. However, there is a greater public interest in protecting the commercial interests of companies which tender for National Records of Scotland contracts, to ensure that we are always able to obtain the best value for public money.

Arvato's tender also contained some personal information. An exemption under section 38(1)(b) of FOISA (personal information) applies to this information because it is personal data of a third party, the names and contact details of individuals, and disclosing this information would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

However, we can provide a copy of the NRS requirements specification for the contact centre contract which we are sending as a separate attachment and also a brief summary of why Arvato's tender was successful and the contract awarded to them in Annex A.

2. The exemption under section 33(1)(b) of FOISA (commercial interests) applies to all of Arvato's tender responses. The reasons why this exemption and the personal information exemption apply are restated in Annex B. The contact centre requirements specification contains the tender questions and response boxes for the tenderers to provide their answers to those questions. Arvato's tender response was completed using this form. Their responses to the tender questions would have to be redacted as well as all of the pricing and commercial information. Therefore a redacted version of Arvato's tender response would not provide any more information than that provided in the requirements specification document.

3. A link to the contract award was requested. This information is already available on the Public Contracts Scotland website. The Contract Award notice for this contract can be found at:

[https://www.publiccontractsscotland.gov.uk/search/show/search\\_view.aspx?ID=APR384629](https://www.publiccontractsscotland.gov.uk/search/show/search_view.aspx?ID=APR384629).

Under section 25(1) of FOISA, we do not have to provide information if it is already reasonably accessible.

4. This contract was tendered and awarded under a Crown Commercial Services (CCS) Framework Agreement. There is no requirement to publish this call off

contract from that framework agreement into TED as the contract notice and award notice for that Framework Agreement were published as required in TED. The Public Contracts Scotland Regulations 2015 provide under Regulation 51 (Contract award notices) Paragraph 4 that the requirement under Paragraph 1 to publish at an EU level does not apply where the contract awarded is a contract based on a framework agreement.

## SUMMARY OF ARVATO LTD TENDER

## ANNEX A

	Quality/Technical Section	Comments
4.1	Customer Contact	Evidence provided meets requirements as specified by the authority. The response is detailed and demonstrates a good understanding which provides details on how the requirements will be fulfilled
4.2	Personnel	The response is relevant with positive evidence of resource deployment, opportunities and retention.
4,3	Reporting & Service Levels	This was a strong and relevant response particularly regarding the proposed methods used to report on required KPIs, workforce planning and the use of flexible resource deployment
4.4	Operational Security	Acceptable and relevant response
4.5	Denial of Service, Business Continuity & Disaster recovery	An acceptable response .
4.6	Planning & Testing	This response is completely relevant and excellent overall. The response is comprehensive, unambiguous and demonstrates a thorough understanding of the requirement and provides an excellent level of detail around optimisation & associated cost savings, also fully demonstrating the needs to provide a contact centre that can flexibly adapt to evolving needs.
4.7	Requirements	All met and evidence cross-checked in response to 4.7.
4.8	Sustainability	This answer is relevant and good. It responds sufficiently to demonstrate good understanding and provides details on how the requirements will be fulfilled.

The Arvato tender was the lowest price of the tenders received.

## ANNEX B - Reasons for not providing information

### Exemptions apply

#### Section 33(1)(b) (commercial interests)

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#### Section 38(1)(b) (personal information)

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