



14 September 2022

INFORMATION REQUEST REFERENCE 22-035

Thank you for your information request, received on 31 August 2022. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

“Request for Details for Security Services Framework for the LLDC and London Stadium 185 tender

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

- 1. Copy of successful tender.*
- 2. Final pricing of successful bidder.*
- 3. Expiry date of the awarded contract.*
- 4. Approximate date that the tender will be reissued towards the end of the current contract period.*
- 5. How many bidders submitted responses?*
- 6. Name of all bidders who submitted responses.*
- 7. Rank of all bidders who submitted responses I would prefer to receive the information electronically.”*

I can confirm that the Legacy Corporation holds information which falls within the scope of your request. The information relevant to your request is below and our response follows your order:

Q1. Copy of successful tender

Please be advised that the successful tender has been withheld under section 43 – commercial interest.

Section 43(2) - Commercial interests.

(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).

Section 43(2) is a qualified exemption and subject to the prejudice test and the public interest test. Under the prejudice test we have to consider if disclosure of this information would, or would be likely to, prejudice our commercial interests or the commercial interests of a third party.

Consideration is also given to the harm disclosing this information would be likely to cause, combined with other information already in the public domain (mosaic effect) or possibly released at a future date (precedent effect). The public interest test considers and balances the public interest in disclosing this information against the public interest in not disclosing this information and uses this assessment to decide whether there is sufficient justification in withholding this information under this exemption.

Information disclosed under the FOIA is considered to be public information, and while there is a presumption towards disclosure, consideration needs to be given as to who will have access to this information beyond the requestor and the purposes for which they could use the information.

In accordance with the statutory Code of Practice issued by the Information Commissioner's Office, as part of the public interest assessment, the Legacy Corporation contacts third parties referenced in the information, to give them the opportunity to provide examples of any harm from their perspective that there may be from releasing the information. Under FOIA, the Legacy Corporation cannot assume what information might be exempt, and therefore any third party that may be affected by disclosure is asked to provide details of the harm that releasing the information would have on its commercial interests. The Legacy Corporation take the views of affected third parties into consideration when undertaking the public interest assessment. In line with this process G4S were contacted for their views.

Prejudice to commercial interests

The Legacy Corporation have assessed the impact of releasing the information withheld under the FOIA exemption section 43 – commercial interests in order to decide whether disclosure would, or would be likely to, prejudice their commercial interests or those of any third party(ies). While there is no prejudice to the Legacy Corporation commercial interests, G4S have indicated that disclosing their tender submission will prejudice their commercial interests so that the exemption is engaged.

Public Interest Test

There is, of course, a public interest in promoting transparency of public authorities' decisions and accountability, however, the disclosure of the information in the tender, withheld under section 43(2) would prejudice the commercial interests of G4S because it will reveal details which would impact on their commercial interest by making sensitive commercial information available to their competitors.

It is the view of the Legacy Corporation that, at this time, the public interest in withholding the information outweighs the public interest in disclosing it.

Q2. Final pricing of successful bidder

Please be advised that the final pricing of the successful bidder has been withheld under section 43 – commercial interest.

Section 43(2) - Commercial interests.

(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).

Section 43(2) is a qualified exemption and subject to the prejudice test and the public interest test. Under the prejudice test we have to consider if disclosure of this information would, or would be likely to, prejudice our commercial interests or the commercial interests of a third party.

Consideration is also given to the harm disclosing this information would be likely to cause, combined with other information already in the public domain (mosaic effect) or possibly released at a future date (precedent effect). The public interest test considers and balances the public interest in disclosing this information against the public interest in not disclosing this information and uses this assessment to decide whether there is sufficient justification in withholding this information under this exemption.

Information disclosed under the FOIA is considered to be public information, and while there is a presumption towards disclosure, consideration needs to be given as to who will have access to this information beyond the requestor and the purposes for which they could use the information.

In accordance with the statutory Code of Practice issued by the Information Commissioner's Office, as part of the public interest assessment, the Legacy Corporation contacts third parties referenced in the information, to give them the opportunity to provide examples of any harm from their perspective that there may be from releasing the information. Under FOIA, the Legacy Corporation cannot assume what information might be exempt, and therefore any third party that may be affected by disclosure is asked to provide details of the harm that releasing the information would have on its commercial interests. The Legacy Corporation take the views of affected third parties into consideration when undertaking the public interest assessment. In line with this process G4S were contacted for their views.

Prejudice to commercial interests

The Legacy Corporation have assessed the impact of releasing the information withheld under the FOIA exemption section 43 – commercial interests in order to decide whether disclosure would, or would be likely to, prejudice their commercial interests or those of any third party(ies). While there is no prejudice to the Legacy Corporation commercial interests, G4S have indicated that disclosing their pricing information will prejudice their commercial interests so that the exemption is engaged.

Public Interest Test

There is, of course, a public interest in promoting transparency of public authorities' decisions and accountability, however, the disclosure of the pricing information withheld under section 43(2) would prejudice the commercial interests of G4S because it will reveal details which would impact on their commercial interest by making sensitive commercial information available to their competitors as well as prejudice current and future negotiations.

It is the view of the Legacy Corporation that, at this time, the public interest in withholding the information outweighs the public interest in disclosing it.

Q3. Expiry date of the awarded contract

The awarded Framework Agreement expires on 14 August 2026.

Q4. Approximate date that the tender will be reissued towards the end of the current contract period

If the re-procurement of these services is deemed necessary as part of the Legacy Corporation future strategy, it is anticipated the procurement will commence in January 2026.

Q5. How many bidders submitted responses?

Four bidders submitted a response to the Invitation to Tender (ITT).

Q6. Name of all bidders who submitted responses

- Carlisle Support Services Ltd
- G4S Secure Solutions (UK) Limited
- STM Group (UK) Limited
- Ward Security Limited

Q7. Rank of all bidders who submitted responses I would prefer to receive the information electronically.

- 1 G4S Secure Solutions (UK) Limited
- 2 Carlisle Support Services Ltd
- 3 Ward Security Limited
- 4 STM Group (UK) Limited

If you are unhappy with our response to your request and wish to make a request for an internal review of our response, you should write to:

Deputy Chief Executive
London Legacy Development Corporation
Level 9
5 Endeavour Square
Stratford
E20 1JN

Email: FOI@londonlegacy.co.uk

Please note: requests for internal reviews received more than forty working days after the initial response will not be handled.

If you are not content with the outcome of the internal review, you may appeal directly to the Information Commissioner at the address given below. You should do this within two months of our final decision. There is no charge for making an appeal.

Further information on the Freedom of Information Act 2000 is available from the Information Commissioner's Office:

Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Telephone 08456 30 60 60 or 01625 54 57 45

Website www.ico.gov.uk

Yours sincerely

FOI / EIR Co-ordinator

London Legacy Development Corporation