

19 July 2012
FOIA reference: F0001346

Dear XXXX

I am writing in respect of your recent application, of 22 June 2012, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

Your organisation recently published the tender UK-Gatwick: research consultancy services - 2012/S 118-195331. I am requesting:

1) The names and addresses of all companies that expressed an interest (in bidding) for the contract above by 27.7.2012 (deadline for expressions of interest.)

2) The name and address of the current contract holder.

We have assessed your request in line with the provisions of the Freedom of Information Act 2000 (FOIA), and are please to provide the information below.

1. The tender process that you refer to has not yet been concluded. The CAA does hold details of those applicants who have expressed an interest to date, although the deadline for doing so has not yet been reached. However, the CAA considers that this information is exempt from release under the FOIA.

If a bidder was aware of the identity of other interested parties in a tender process, that information may give a potential unfair competitive advantage to some bidders over others. As such, a potential supplier's reasonable expectation is that their participation remains confidential until such time as the process is concluded and a contract awarded. The CAA therefore considers that the identities of any organisations expressing an interest in bidding for this contract are exempt from disclosure under Section 41 of the FOIA (a copy of this exemption is enclosed).

When the tender process has been concluded, the CAA is required to publish details of the selected supplier in the Official Journal of the European Union.

The CAA also considers that the release of the identities of those suppliers that are involved in the tendering process is also likely to prejudice the commercial interests of both the CAA and the suppliers. As above, if a supplier was aware of the other interested parties in a tender process, that information may give a potential unfair advantage to some bidders over others.

Civil Aviation Authority

Aviation House GW Gatwick Airport South Crawley West Sussex England RH6 0YR www.caa.co.uk
Telephone 01293 768512 rick.chatfield@caa.co.uk

It is likely that each potential supplier would, if they knew the identities of the competing bidders, also be aware of those bidders' capabilities and expertise. This could cause suppliers to tailor their bids more in order to beat their competitors rather than providing the best possible solution to the CAA. It also introduces the possibility that bidders could, at this early stage in the process, collude over the terms or pricing of their bids to the CAA's detriment. Information which, if disclosed, would be likely to prejudice the commercial interests of any person is exempt from release under Section 43(2) of the FOIA (a copy of this exemption is enclosed).

As this is a qualified exemption we have also considered whether, in all the circumstances of the case, the public interest in withholding the information outweighs the public interest in disclosing the information.

Although it is not directly publicly funded, the CAA recognises the general public interest in the promotion of accountability and transparency of expenditure by public authorities. However, in ensuring that we obtain value for money to efficiently direct our financial resources towards our regulatory functions, it is of greater public interest not to inhibit the CAA's ability to procure the best possible services by releasing details of those parties involved in a tender process before it is concluded.

We have therefore concluded that, in all the circumstances of the case, the public interest in withholding the identities of those organisations that have expressed an interest in bidding for this particular contract is greater than the public interest in disclosure.

2. The names and address of the current contract holders are as follows:

Ernst & Young
1 More London Place
London SE1 2AF

Europe Economic Research
T/A Europe Economics
53 – 64 Chancery House
London WC2A 1QU

First Economics
72a Belgrave Court
Westferry Circus
London E14 8RL

Grant Thornton UK LLP
Melton Street
Euston
London NW1 2EP

KPMG LLP
38th Floor
Canary Wharf
1 Canada Square
London E14 5AG

LECG Ltd
Davidson Building
5 Southampton Street
London WC2E 7HA

Pricewaterhouse Coopers
1 Embankment Place
London WC2N 6RN

Brockley Consulting
Orchard House
124 Main Road
Cleave
Bristol BS49 4PN

Davison Yarrow
31 – 33 Westgate
Oxford OX1 1NZ

Halcrow Group Ltd
44 Brook Street
Hammersmith
London W6 7BY

SH&E Ltd
5th Floor
210 High Holborn
London WC1V 7EU

Volterra Consulting Ltd
135c Sheen Lane
London SW14 8AE

Alan Stratford & Associates Ltd
175 – 177 Borough High Street
London SE1 1HR

Arthur D Little
Science Park
Milton Road
Cambridge CB4 0XL

Booz & Company (UK) Ltd
7 Savoy Court
Strand
London WC2R 0JP

DTZ Plc
48 Warwick Street
London W1B 5NL

Helios Technology
29 Hercules Way
Aerospace Boulevard Aeropark
Farnborough GU14 6UU

Logica (UK) Ltd
Keats House
The Office Park
Springfield Drive
Leatherhead KT22 7LP

Mott MacDonald
St.Anne House
Wellesley Road
Croydon CR6 2UL

MVA Consultancy Ltd
Second Floor
17 Hanover Square
London W1S 1HU

Scott Wilson Ltd
Scott House
Alencon Link
Basingstoke RG21 7PP

Steer Davis Gleave
28 – 32 Upper Ground
London SE1 9PD

Currie Brown (UK) Ltd
140 London Wall
London EC2Y 5DN

Incomes Data Services Ltd
23 College Hill
London EC4R 2RP

If you are not satisfied with how we have dealt with your request in the first instance you should approach the CAA in writing at:-

Mark Stevens
External Response Manager
Civil Aviation Authority
Aviation House
Gatwick Airport South
West Sussex
RH6 0YR

mark.stevens@caa.co.uk

The CAA has a formal internal review process for dealing with appeals or complaints in connection with Freedom of Information requests. The key steps in this process are set in the attachment.

Should you remain dissatisfied with the outcome you have a right under Section 50 of the Freedom of Information Act to appeal against the decision by contacting the Information Commissioner at:-

Information Commissioner's Office
FOI/EIR Complaints Resolution
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
www.ico.gov.uk/complaints.aspx

Should you wish to make further Freedom of Information requests, please use the e-form at <http://www.caa.co.uk/foi>.

Yours sincerely

Rick Chatfield
FoIA & EIR Case Manager

CAA INTERNAL REVIEW & COMPLAINTS PROCEDURE

- The original case to which the appeal or complaint relates is identified and the case file is made available;
- The appeal or complaint is allocated to an Appeal Manager, the appeal is acknowledged and the details of the Appeal Manager are provided to the applicant;
- The Appeal Manager reviews the case to understand the nature of the appeal or complaint, reviews the actions and decisions taken in connection with the original case and takes account of any new information that may have been received. This will typically require contact with those persons involved in the original case and consultation with the CAA Legal Department;
- The Appeal Manager concludes the review and, after consultation with those involved with the case, and with the CAA Legal Department, agrees on the course of action to be taken;
- The Appeal Manager prepares the necessary response and collates any information to be provided to the applicant;
- The response and any necessary information is sent to the applicant, together with information about further rights of appeal to the Information Commissioners Office, including full contact details.

Freedom of Information Act: Section 41

(1) Information is exempt information if-

- (a) it was obtained by the public authority from any other person (including another public authority), and
- (b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

(2) The duty to confirm or deny does not arise if, or to the extent that, the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) constitute an actionable breach of confidence.

Freedom of Information Act: Section 43

(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).