

Reference: 01916592

Information Requests
information.requests@ofcom.org.uk

2 December 2024

Freedom of Information request: Right to know request

Thank you for your request for information concerning the contract for "Engaging with children on draft codes of practice for protection of children online".

We received this request on 4 November 2024. You added further questions to your request on 4 October 2024. We have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

Your request & our response

I would be most grateful if you would provide me, under the Freedom of Information Act, details in respect to the contract below.

Engaging with children on draft codes of practice for protection of children online:

<https://www.contractsfinder.service.gov.uk/notice/6582f098-b72b-4c09-bb99-74cbbf6bddca>

The details we require are:

** What are the contractual performance KPI's for this contract?*

There are no KPIs stated on the contract. However, there are clear and specific deliverables required of the supplier. As part of Ofcom managing the contract, the supplier will be held accountable for these deliverables. The deliverables can be found within the Detailed Specification shared with the tenderers – we have attached a copy of this.

** Suppliers who applied for inclusion on each framework/contract and were successful & not successful at the PQQ & ITT stages*

Due to the contract value, a below-threshold invitation to tender was conducted, therefore there was no PQQ or down-selection.

8 organisations were invited to tender with 5 submissions received and evaluated. As detailed in the Contract Award notice on Contracts Finder the winning tenderer was ESRO t/a Revealing Reality.

Regarding suppliers who were not successful at tender, we are withholding this information as we consider it is exempt under section 43 of the FOI Act. Section 43(2) provides that information is exempt if its disclosure under the FOI Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it). We are therefore unable to provide the names of the unsuccessful suppliers as we consider that this information would be likely to prejudice their commercial interests.

Section 43(2) of the FOI Act is a qualified exemption, which means that we have to consider whether or not the public interest in disclosing the information you have requested outweighs the public interest in withholding the information. In this case, we consider that the public interest favours withholding the information.

The attached Annex A to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

** Actual spend on this contract/framework (and any sub lots), from the start of the contract to the current date*

The contract value was let for £110,280 including V.A.T.

** Could you please provide a copy of the service/product specification given to all bidders for when this contract was last advertised?*

Please find attached a copy of this as requested.

** Is there an extension clause in the framework(s)/contract(s) and, if so, the duration of the extension?*

The contract allows for an extension up to a maximum period of 12 months.

** Has a decision been made yet on whether the framework(s)/contract(s) are being either extended or renewed?*

No.

** Who is the senior officer (outside of procurement) responsible for this contract?*

Head of Research, Protection of Children online.

If you have any further queries, then please send them to information.requests@ofcom.org.uk – quoting the reference number above in any future communications.

Yours sincerely,

Information Requests

Request an internal review

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress. Please email the Information Requests team (information.requests@ofcom.org.uk) to request an internal review.

Taking it further

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).

Annex A

Section 43(2) of the FOI Act provides that:

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).

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none">• Enabling the public to gain transparency and a better understanding of the tendering processes.	<ul style="list-style-type: none">• Disclosure of all unsuccessful bidders' names would let the public, including their competitors and any future customers, know that they have been unsuccessful. Letting their competitors know of their unsuccessful bid would likely put the unsuccessful bidders at a disadvantage.
Reasons why public interest favours withholding information	
<ul style="list-style-type: none">• We acknowledge that there is public interest in disclosing information about tenders, however we consider that on balance, the public interest in withholding disclosure of the unsuccessful bidders' names outweighs the public interest in that disclosure, as this would likely prejudice those bidders' commercial interests including putting them at a competitive disadvantage.	