

## Public Interest Test FOI 2024/00598

### Freedom of Information request - *Variable Message Signs Tenders ORT0115 and ORT0116*

The Public Interest Test was carried out against the following question of the request:

***Which Organisations tendered for the works?  
How did each of the tenderer's score?  
How much has been paid to date?  
What are the latest performance indicators results?  
Anticipated spend profile?***

### FOIA Exemption Section 43(2) Prejudice to Commercial Interests

<b><i>Factors supporting disclosure</i></b>	<b><i>Factors supporting non-disclosure</i></b>
<ul style="list-style-type: none"> <li>• Openness and Transparency - there is a public interest in the work of public sector bodies such as National Highways being closely examined to encourage the discharging of public functions in the most efficient and effective way.</li> <li>• Accountability for the spending of public money. There is an important public interest in the work of public bodies being scrutinised to increase accountability and to protect the public purse. If people have a better understanding of how public money is spent, this may give them more confidence in the integrity of the public body and in its ability to effectively allocate public funds.</li> <li>• Promoting competition in procurement via transparency. There is a public interest in encouraging competition for public sector contracts. Greater transparency about the tendering process and the negotiation of public sector contracts may encourage companies to take part in the process and help them improve their bids. This will increase competition and therefore help public authorities to get value for money. Transparency of tender information is therefore beneficial to the whole process.</li> </ul>	<ul style="list-style-type: none"> <li>• There is a public interest in ensuring that public procurements are run in a way which ensures all bidders are treated fairly and equally. This may also impact the integrity of future public procurements in that it may put the contractor at a disadvantage and their competitors at an advantage.</li> <li>• The procurement process must be seen to be fair and that commercial interests of the suppliers are not unduly prejudiced by the release of commercially sensitive information. It is important to maintain the confidence of our suppliers in order to achieve best value for the tax payer.</li> <li>• Releasing the suppliers commercially sensitive information without the Contractor's permission, may put National Highways in a contractually vulnerable position, dependant on the clauses within the contract which determine privileged information.</li> </ul>

**Conclusion:** The public interest test was applied using the factors described above. Whilst the benefits of openness, transparency and increased competition are appreciated, in this case it was felt that the potential for risking commercial interests prevailed. Accordingly, the decision to withhold the information regarding the names of the unsuccessful suppliers.

**Date of PIT:** 02/08/2024