

XXXXXXXXXXXXXXXXX
By email to: XXXXXXXXXXXXXXXXXXXX

Our Ref: F0007233
Date: 3 February 2011

Dear XXXXXXXXXXXXXXXX

Application under the Freedom of Information (FOI) Act 2000 – F0007233

I am writing in response to your request for information received on 5 January 2011 made under the Freedom of Information Act 2000 asking for details as follows:

1. For the each year from 1/4/00 onwards, please provide a list of PFI/PPP procurements that were terminated by the Authority after Preferred Bidder appointment.
2. In the circumstances of those terminations, please provide details of bid costs claimed by the former Preferred Bidders and/or the heads of claim ("Costs Claims").
3. In relation to each Cost Claim settled by the Authority, please provide a breakdown of sums paid by the Authority to each former Preferred Bidder in final settlement of such Cost Claim against the appropriate head of claim.
4. Please provide the criteria against which the decisions were made by the Authority to settle each Cost Claim and/or to refuse to settle such Cost Claim.
5. Please provide copies of internal Authority correspondence between the Authority caseworkers, approvers and decision makers (i) seeking authorisation/approval to make or decline to make settlements of Costs Claims and (ii) recording their reasons for recommending the making or declining those settlements.
6. Please provide internal guidance/policy/advice/practice applying to the settlement of bid costs claims in the circumstances of a termination of a PFI/PPP procurement after the appointment of a Preferred Bidder (including any in relation to the refusal to settle costs claims)

DfT consists of a central HQ organisation (DfT(c)) and seven Executive Agencies as follows:

Driver and Vehicle Licensing Agency
Driving Standards Agency
Government Car and Despatch Agency
Highways Agency
Maritime and Coastguard Agency
Vehicle Certification Agency
Vehicle and Operator Services Agency

This response covers the whole Department.

There have been no PFI/PPP procurements terminated by DfT after Preferred Bidder appointment since 1/4/00.

On point 6 above DfT **Standard** Instructions for Tenderers state:

“You should note that any expenditure, work or effort undertaken by you prior to the award of a contract is a matter solely for your own commercial judgement. The Department reserves the right to withdraw this tender invitation at any time or to re-invite tenders on the same or any alternative basis. In such circumstances, and in any event, the Department and/or its advisers shall not be liable for any costs or loss of expenses whatsoever incurred by the bidder or any company, agent, subsidiary or organisation who may have contributed to the proposals submitted by the bidder in response to this tender invitation”

On PFI/ PPP cases where DfT is the contractual authority we would adopt a similar wording / approach to that above. However, in most cases DfT funds Local Authority (LA) PFIs and in these cases it is for the LA to determine its' practice and DfT would not receive copies of their documentation.

The information provided may be published on our website. If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department's Information Rights Unit at:

Zone D/04
Ashdown House
Sedlescombe Road North
Hastings
East Sussex TN37 7GA
E-mail: FOI-Advice-Team-DFT@dft.gsi.gov.uk

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely,

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Your right to complain to DfT and the Information Commissioner

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF