



Llywodraeth Cymru
Welsh Government

17 November 2016

Dear ,

ATISN 10870 – Compensation Payout

Thank you for your request which I received on 21 October 2016 (1) and your subsequent question received on 27 October 2016 (2). You asked for information concerning a compensation payment paid after an unsuccessful bidder for a contract complained about a tender – specifically you asked for:

- 1)
the parties involved;
the nature of the contract;
the date the contract was awarded;
the value of the contract;
the department involved in granting the contract;
the nature of the complaint;
the Court at which the order for compensation was made; and, the date of the Order?

And

- 2) Further to the response to WAQ71229 - What are the procedural breaches discussed here?

The information you requested is enclosed at Annex 1.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE

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response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: FreedomOfInformationOfficer@wales.gsi.gov.uk

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

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

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Judith Budding
Head of Corporate Procurement Services
Welsh Government
Cathays Park
Cardiff
CF10 3NQ
Judith.budding@wales.gsi.gov.uk
0300 062 8042

Annex 1

The parties involved

Successful Bidder – Richard H Powell and Partners Ltd

Unsuccessful Bidder – Triumph Furniture Ltd

The nature of the contract

This information is exempt from disclosure in response to this request under s21 (1) “information reasonably accessible by other means” as the information is publicly available on the Sell2Wales website – www.sell2wales.co.uk

Date contract awarded

29th April 2014

Value of contract

The value of the framework was estimated at £12.4m.

Department involved in granting the contract

Business, Property and Professional Services Division

Nature of complaint

The bidder alleged breaches of the Public Contracts Regulations 2006 and general principles of EU law. This information is considered exempt under s21 (1) as this information is publicly available from the Technology and Construction Court.

Court at which the order for compensation was made; and, the date of the Order?

We hold no recorded information on this part of the request as no court order was made for compensation. The matter was resolved at mediation. An order known as a Tomlin order was signed by both parties at the Technology and Construction Court.

Procedural breaches

The bidder alleged breaches of the Public Contracts Regulations 2006 and general principles of EU law. This information is considered exempt under s21 (1) as this information is publicly available from the Technology and Construction Court