

Broadcasting Contract



12 September 2014

Request for Information.

Thank you for your request received on 15 August. I can provide you with the following information:

- 1. Can you please provide details as to who holds the contract to televise proceedings in the Assembly?*

The information is published on the National Assembly for Wales website, a link is provided: <http://www.assemblywales.org/gethome/abt-procurement.htm>

- 2. Can you please provide details as to when this contract was placed, when it is due to expire, and provide details of any extension options?*

The contract was awarded on 25/05/2010. The expiry date and extension options are published on our website, a link to which is provided in question 1.

- 3. Can you please provide details as to what is the overall contract value, the amount paid each year since placed and the value over the lifetime of the contract?*

The overall contract value and the value over the lifetime of the contract is published on our website. A link is provided in question 1.

The amount paid each year is provided below. The figures include equipment refreshes:

2010/11	£374,078
2011/12	£1,010,510

Bae Caerdydd
Caerdydd
CF99 1NA
Cardiff Bay
Cardiff
CF99 1NA

2012/13	£599,770
2013/14	£1,083,812

4. *Can you please provide details as to how many times this contract has been advertised and who was awarded it each time?*

The contract has been advertised three times and was awarded to Barcud Derwen Cyfyngedig twice and Bow Tie Television Ltd once.

5. *Can you please provide details as to the unit cost to televise 1 hour, or 1 session in each of the following venues: Siambr and a committee room?*

Whilst we hold this information, we consider this information exempt from disclosure under section 43(2) of the Act – further reasoning for this decision is in the [Annex](#) to this letter.

6. *Please can you provide details regarding the scope of services included in this contract?*

Details of the scope of services are:

- The production of sound and vision feeds of all Assembly proceedings for televising by external broadcasters.
- A web streaming service that provides live and archive access to Assembly proceedings.
- A digital archive of broadcast footage.
- Maintenance of broadcasting and audio visual equipment.
- Repair and replace equipment in the event of failure.
- Technical refresh of broadcasting infrastructure as specified by the client.

7. *Can you please provide details of any TUPE information relevant to this contract, such as the obligations of the current contractor?*

TUPE arises where there is a change of supplier. It concerns the handover from the outgoing supplier to the incoming supplier. It is not a matter for us as the customer. Therefore, we do not hold any information relating to this question.

8. *Can you please provide any internal documents regarding quality of service?*

We do not hold information relating to this question.

9. *Can you please provide a list of KPIs relating to the service delivered within this contract? Also what other quality control measures are in place to evaluate service delivery of this contract? How and how often is this measured?*

We do not set formal KPIs for the service. Specific quality-control measures are discussed informally at weekly operational meetings with the incumbent broadcaster's staff and monthly contract-management meetings with its senior staff.

10. *Please provide any details from the last 12 months regarding any quality control issues in relation to this contract.*

Whilst we hold this information, we consider this information exempt from disclosure under section 43(2) of the Act – further reasoning for this decision is in the [Annex](#) to this letter.

11. *Please provide details including makes and models of what equipment the National Assembly for Wales provide for the broadcasting contractor to use to carry out their duties. Please also advise of the year the equipment was procured and installed.*

The attached PDF document provides you with information relating to this question.

12. *Please provide details of all maintenance works carried out with the price paid in relation to the broadcasting contract within the last 4 years.*

The total cost of all maintenance work carried out by Bow Tie over the last 4 years is £185,737.

Whilst we hold details of all maintenance works and the price paid, we consider this information exempt from disclosure under section 43(2) of the Act – further reasoning for this decision is in the [Annex](#) to this letter.

13. *Please provide any details of any capital refurbishment and equipment replacement projects the Assembly have carried out in relation to broadcasting infrastructure.*

The total cost of all capital refurbishment and project work relating to broadcasting infrastructure over the last 4 years is £1,394,828.

Your request has been considered according to the principles set out in the Code of Practice on Public Access to Information. The code is published on our website at http://www.assemblywales.org/abthome/about_us-commission_assembly_administration/abt-foi/abt-foi-cop-pub.htm

If you have any questions regarding this response please contact me. If you feel you have cause for complaint, please follow the guidance at the end of this letter.

Yours sincerely

Buddug Saer
Freedom of Information and Project Support Officer
National Assembly for Wales

Annex

Section 43(2) of the Freedom of Information Act exempts from disclosure any information which ‘would, or would be likely, to prejudice the commercial interests of any person (including the public authority holding it).’

In this context, ‘any person’ means both the Assembly Commission and the current host broadcaster – Bow Tie Television Ltd (‘Bow Tie’). The intention behind the exemption is to prevent the disclosure of information that could cause harm to the commercial interest of any individual or organisation, such as their ability to participate competitively in a commercial activity.

Following receipt of Bow Tie’s views, and taking account of considerations regarding our own position, we are satisfied that if the information were released, it is likely that this would cause substantial harm to the commercial interests of both the Assembly and of Bow Tie.

In particular, the release of the unit-cost price and details of pricing information relating to maintenance works, which is not already publically available, would place into the public domain information which Bow Tie believes would prejudice its position in the market place. The information would provide its competitors with knowledge which might give them an unfair advantage in bidding against Bow Tie for similar contracts.

The request for information about quality-control issues would cause substantial harm to the reputation and confidence of customers in Bow Tie.

We are also of the view that disclosure would (i) be likely to affect negatively our own purchasing position in the future, especially as work to tender for a new contract is currently underway and (ii) may negatively damage our reputation. This, in turn, may reduce the willingness of both our current supplier, and others, to compete for future contracts with the National Assembly for Wales.

Section 43(2) is subject to consideration of the ‘public interest test’. In other words, in order to withhold the information requested, we must be satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

We are mindful of the need, wherever possible, to be transparent as regards the allocation of public funds. However, we also believe there is a public

interest in maintaining the ability of public bodies and private suppliers to contract effectively. It would be unfortunate if the willingness of such operators to engage with public bodies were hampered by a concern that those bodies will lightly disclose their commercially-sensitive information. We further consider that there is a public interest in maintaining undistorted competition between private operators.

The re-tender of this contract in the near future is also a significant consideration as releasing information about a supplier's pricing strategy may give its competitors an unfair advantage in the procurement process.

In conclusion, we do not consider that the public interest in the disclosure of the information requested in questions 5, 10 and 12 outweighs the likely harm which would follow from disclosure.

Cause for concern or complaint with your FOI response?

If you believe that I have not applied the Code correctly or have not followed the relevant laws, you may make a formal complaint to the Chief Executive and Clerk at the National Assembly for Wales, Cardiff Bay. Details of the Assembly's complaints principles are set out in the Code of Practice on Complaints available on the Internet at <http://www.assemblywales.org/conhome/con-complaint.htm>. Please advise me if you wish to receive a printed copy.

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