



Crown
Commercial
Service

REQUEST FOR INFORMATION
FOR
TENANT LED RIGHT TO TRANSFER
CCCC16A89
FOR
DEPARTMENT OF COMMUNITIES AND LOCAL
GOVERNMENT



Request for Information
Tenant Led Right to Transfer
CCCC16A89

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1. REQUEST FOR INFORMATION (RFI) SCOPE

- 1.1 The Department for Communities and Local Government (herein referred to as the Authority) requires information for a Supplier to carry out a socio-economic evaluation.
- 1.2 This evaluation will be on the matter of whether the partial transfer of Local Authority housing stock (under the Right to Transfer 2013 Regulations) to a new social landlord will have a detrimental effect on the provision of housing services or the regeneration of the local area.
- 1.3 This project is not about seeking advice on the legal validity of a transfer. The Authority anticipates that, should this requirement proceed to a procurement, a basic understanding of the legislation and guidance regulating the transfer of Local Authority housing stock, including under the Right to Transfer 2013 Regulations, will be advantageous but not essential.
- 1.4 The Authority is seeking written feedback outlined in Section 3 by asking Organisations to respond to the questions asked in Section 4. Responses should be sent via email to niche@crownccommercial.gov.uk by **14:00 Friday 21st October 2016**.
- 1.5 Organisations are asked to advise if they would be interested in bidding for this opportunity as part of their response to the Request for Information. If Organisations are not interested, it is requested that a reason be submitted as this is valuable feedback for the Authority to consider.
- 1.6 The Authority has not specified a format for the detailed response as this can limit creativity and make it difficult to understand. Organisations are therefore freely available to present information in their desired format.

2. BACKGROUND TO THE AUTHORITY

- 2.1 The Authority's remit is to create great places to live and work, and to give more power to local people to shape what happens in their area.

3. BACKGROUND TO THE REQUIREMENT

- 3.1 The Authority is responsible for the Housing (Right to Transfer from a Local Authority Landlord) (England) Regulations 2013 ('the Right to Transfer Regulations')¹, introduced in November 2013. The Regulations require Local Authorities to co-operate with a group of its tenants who wish to explore transferring their housing to a new landlord, and then to arrange a transfer if proposals gain the support of tenants (via a ballot).
- 3.2 The Right to Transfer Regulations allow Local Authorities to apply to the Secretary of State for a determination to halt the process if they believe the transfer will have a significant detrimental effect on their housing services or on local regeneration.

¹ The Housing (Right to Transfer from a Local Authority Landlord) (England) Regulations 2013 available at http://www.legislation.gov.uk/uksi/2013/2898/pdfs/ukxi_20132898_en.pdf



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- 3.3 The Authority is considering tendering for a Supplier to undertake a socio-economic evaluation on the matter of whether the partial transfer of a Local Authority housing stock to a new social landlord will have a detrimental effect on the provision of housing services or the regeneration of the local area. The Authority is seeking information from Organisations to inform this decision.
- 3.4 The objectives will include reviewing evidence submitted in respect of a determination notice submitted to the Secretary of State under Regulation 13 of the Right to Transfer Regulations. Further background in Annex A.
- 3.5 The Authority would expect the Supplier to develop an appropriate methodology and evaluation criteria which fits with the scope of this project. The evaluation should consider the likely impact, both the positive and negative aspects, of the transfer on a comprehensive basis.
- 3.6 Issues to consider may include: how the loss of stock may affect provision of services and impact on the Local Authority Housing Revenue Account. When looking at the impact on regeneration, issues to consider may include: impacts on loss of land and property reducing the value to developers, impacts on employment, local economy, and creating a geographical coherent area. The evaluation should not include any legal consideration on the validity of the transfer.
- 3.7 The Supplier will be required to present a work programme that will facilitate the achievement of the objectives, and result in the delivery of the following outputs:
- An analysis of the potential costs and benefits in the form of a socio-economic evaluation;
 - Produce a report which provides an analysis and conclusions of the socio-economic evaluation (with any detailed data assessment included in annexes); and
 - A face-to-face presentation of outcomes to the Authority.
- 3.8 The Contract term will be expected to be for eight weeks, with the following indicative milestones:
- Week 5: Draft report on preliminary evaluation
 - Week 7: Final report
 - Week 8: Face to face presentation of outcomes

4. INFORMATION REQUIRED

- 4.1 The Authority requires Organisations to submit responses to the following questions. It is not mandatory to respond to this RFI and your Organisation will not be prejudiced in



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any way should no response be provided. Any responses received will be used for information purposes only:

- 4.1.1 Please confirm whether you are interested in delivering the requirements described in this RFI and whether you intend to submit a bid.
 - 4.1.2 Do you have the resources, skills and expertise to deliver the requirements described in this RFI to complete the work within 8 weeks from the tender being awarded? If not, please provide details of changes, if any, that would be required for your position to change.
 - 4.1.3 What indicative budget range would you consider sufficient to deliver the requirements described in this RFI?
 - 4.1.4 Has the Authority overlooked anything in the description of the requirements, and would you require any further information in order to consider submitting a bid, should this requirement proceed to procurement?
 - 4.1.5 Is there anything further your Organisation would like to add?
- 4.2 All information submitted by Organisations shall be kept for audit purposes for seven (7) years from the Deadline for submission of a RFI Response.

5. REQUEST FOR INFORMATION TIMETABLE

5.1 Please see the below for the RFI's timetable:

DATE	ACTIVITY
14/10/2016	Publication of the Request for Information
14/10/2016	Clarification period starts
18/10/2016, 17:00	Clarification period closes
19/10/2016, 17:00	Deadline for the publication of responses to RFI Clarification questions
21/10/2016, 14:00	Deadline for submission of a RFI Response
24/10/2016	Analysis of RFI responses
28/10/2016	Confirm next steps to RFI Respondents



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6. CLARIFICATION PERIOD

- 6.1 Organisations may raise questions or seek clarification regarding any aspect of this Request for Information at any time prior to the Clarification Deadline. Questions must be submitted to niche@crownccommercial.gov.uk before the deadline within section 4.
- 6.2 Crown Commercial Service will not enter into exclusive discussions regarding the requirements of this Request for Information with Organisations.
- 6.3 To ensure that all Organisations have equal access to information regarding this Request for Information, the Crown Commercial Service will publish all its responses to questions raised by Organisation's on an anonymous basis.
- 6.4 Responses will be published on Contracts Finder in a Questions and Answers document to all Organisations who have registered their interest to niche@crownccommercial.gov.uk
- 6.5 At times, the Crown Commercial Service may issue communications via niche@crownccommercial.gov.uk where a notification will be sent to the email address provided for the Request for Information contact. Organisations must therefore ensure that this mailbox is reviewed on a regular basis.



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7. COSTS

7.1 The Authority will not reimburse any costs incurred by an Organisation (including the costs or expenses of any members of its Group of Economic Operators (if acting as a Lead Contact), Sub-Contractors or advisors) in connection with the preparation and/or submission of the Organization's Request for Information response, including (without limit) where:

- 7.1.1 The Request for Information is cancelled, shortened or delayed for any reason (including, without limitation, where such action is necessary due to non-compliance or potential non-compliance with the law, including the Regulations);
- 7.1.2 All or any part of the Request for Information is at any time amended, clarified, added to or withdrawn for any reason;
- 7.1.3 The Organisation and/or its Respondent is disqualified from participation in this Request for Information for any reason, including breach of these Terms of Participation.

8. RIGHT TO CANCEL OR VARY THIS REQUEST FOR INFORMATION

8.1 The Authority reserves the right, subject to the rules set out in the Regulations, to:

- 8.1.1 Change the basis of or the procedures for this Request for Information at any time;
- 8.1.2 Amend, clarify, add to or withdraw all or any part of the Request for Information at any time, including varying any timetable or deadlines set out in the Request for Information; and:
- 8.1.3 Cancel all or part of this Request for Information at any stage and at any time.

9. RIGHT TO CONFIRM OR REQUEST UPDATED RFI INFORMATION

9.1 The Authority reserves the right to require Organisations to confirm that their Request for Information response remains accurate at all stages of the Request for Information process and/or to request updated Information.

9.2 The Authority also reserves the right to specify additional standards or requirements according to their particular requirements.

10. CONDUCT - SPECIFIC OBLIGATIONS

10.1 The Organisation must not directly or indirectly canvass any Minister, officer, public sector employee, member or agent regarding this Request for Information or attempt to obtain any information from the same regarding this Request for Information (except



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where and as permitted by the Request for Information). Any attempt by the Organisation to do so may result in the Organisation's disqualification from this Request for information.

11. NOTICES TO ORGANISATIONS

- 11.1 This Request for Information and any related documents referred to have been prepared by the Crown Commercial Service on behalf of the Authority for the pre-market test to gather information.
- 11.2 Whilst prepared in good faith, the Request for Information documents are intended only as a preliminary background explanation of the Authority's activities and plans. Therefore it isn't intended to form the basis of any decision on whether to enter into any contractual relationship with the Authority.
- 11.3 The Request for Information documents do not purport to be all inclusive or to contain all of the information that Organisation's may require.
- 11.4 Neither the Authority or its advisors, or the directors, officers, partners, employees, other staff, agents or advisers of any such body or person:
- 11.4.1 Makes any representation or warranty (express or implied) as to the accuracy, reasonableness or completeness of the Request for Information documents;
 - 11.4.2 Accepts any responsibility for the information contained in the Request for Information documents or for its fairness, accuracy or completeness; or
 - 11.4.3 Shall be liable for any loss or damage (other than in respect of fraudulent misrepresentation) arising as a result of reliance on such information or any subsequent communication.
- 11.5 Nothing in the Request for Information documents is, or should be, relied upon as a promissory or a representation as to the Authority's ultimate decisions in relation to the Request for Information
- 11.6 The publication of the Request for Information documents in no way commits the Authority to award any contract.

12. CONFIDENTIALITY

- 12.1 Subject to the exceptions referred to in paragraph 12.2, the contents of the Request for Information are being made available by the Authority on the conditions that the organisation:
- 12.1.1 Treats the Request for Information as confidential at all times, unless the information is already in the public domain;



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- 12.1.2 Does not disclose, copy, reproduce, distribute or pass any of the Information to any other person at any time or allow any of these things to happen, except where, and to the extent that, the Information has been publicised in accordance with paragraph 13 (Freedom of Information);
 - 12.1.3 Only uses the Information for the purposes of preparing a Response (or deciding whether to respond); and
 - 12.1.4 Does not undertake any promotional or similar activity related to this Request for Information within any section of the media.
- 12.2 An Organisation may disclose, distribute or pass any of the Information to its members of its Group of Economic Operators (if acting as a Lead Contact), Sub-Contractors, advisers or to any other person provided that:
- 12.2.1 This is done for the sole purpose of enabling the Organisation to submit its response and the person receiving the information undertakes in writing (such written undertaking to be made available to the Authority on the Authority's request) to keep the information confidential.
 - 12.2.2 It obtains the Authority's prior written consent in relation to such disclosure, distribution or passing of Information; or
 - 12.2.3 The disclosure is made for the sole purpose of obtaining legal advice from external lawyers in relation to this Request for Information;
 - 12.2.4 The Organisation is legally required to make such a disclosure; or
 - 12.2.5 The information has been published in accordance with paragraph 12 (Freedom of Information).
- 12.3 The Authority may disclose information submitted by Organisations during this Request for Information to its officers, employees, agents or advisers or other government departments who are stakeholders in this Request for Information.
- 12.4 All Central Government Departments and their Executive Agencies and Non Departmental Public Bodies are subject to control and reporting within Government. In particular, they report to the Cabinet Office and HM Treasury for all expenditure.
- 12.5 Further, the Cabinet Office has a cross Government role delivering overall Government Policy on public procurement – including ensuring value for money and related aspects of good procurement practice.
- 12.5.1 For these purposes, the Authority may disclose within HM Government any of the Organisation's documentation or information (including any that the Organisation considers to be confidential and / or commercially sensitive such as specific information in its response) submitted by the Organisation to the Authority during this Request for Information.



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Organisations taking part in this Request for Information consent to such disclosure as part of their participation in the Request for Information process.

13. FREEDOM OF INFORMATION

- 13.1 In accordance with the obligations and duties placed upon public authorities by the FoIA (Freedom of Information Act 2000) and the EIR (Environmental Information Regulations 2004) and in accordance with any Government Code of Practice on the discharge of public authorities' functions under the FoIA all information submitted to the Authority may be disclosed under a request for information made pursuant to the FoIA and the EIR.
- 13.2 Organisations should note that the information disclosed pursuant to a FoIA or EIR request may include, but is not limited to, the disclosure of its Request for Information response (including any attachments or embedded documents).
- 13.3 If the Organisation considers any part of its Response or any other information it submits to be confident or commercially sensitive, the Organisations should:
- 13.3.1 Clearly identify such information as confidential or commercially sensitive;
 - 13.3.2 Explain the potential implications of disclosure of such information taking into account and specifically addressing the public interest test as set out in the FoIA; and
 - 13.3.3 Provide an estimate of the period of time during which it believes that such information will remain confidential or commercially sensitive.
- 13.4 If the Organisation identifies that part of its Response or other information it submits is confidential or commercially sensitive, the Authority in its sole discretion will consider whether or not to withhold such information from publication. Organisations should note that, even where information is identified as confidential or commercially sensitive, the Authority may be required to disclose such information in accordance with the FoIA or the EIR.
- 13.5 The Authority is required to form an independent judgement of whether the Organisation's information referred to in paragraph 13.4 is exempt from disclosure under the FoIA or the EIR and whether the public interest favours disclosure or not. The Authority cannot guarantee that any information indicated as being confidential or commercially sensitive by the Organisation will be withheld from publication.
- 13.6 If the Organisation receives a request for information under the FoIA or the EIR during and in relation to this Request for Information, it should be immediately referred to the Authority.



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14. INTELLECTUAL PROPERTY RIGHTS

- 14.1 The Request for Information issued shall remain the property of the Authority and shall be used by the Organisation only for the purposes of this Request for Information.
- 14.2 The Organisation grants the Authority an irrevocable, perpetual, non-exclusive licence to copy, amend and reproduce any intellectual property contained within its Response for the purposes of carrying out this Request for Information; complying with the law and/or any government guidance; and/or carrying out the Authority's business activities. This licence shall also permit the Authority to sublicense the use of the Organisation's Response to its advisers or sub-contractors or other Contracting Bodies for the same purposes.

15. NO INDUCEMENT OR INCENTIVE

- 15.1 The Organisation acknowledges and agrees that nothing contained within the Request for Information shall constitute an inducement or incentive nor shall have in any other way persuaded an Organisation to submit a Response or enter into any other contractual agreement.

16. LAW AND JURISDICTION

- 16.1 Any dispute (including non-contractual disputes or claims) relating to this Request for Information shall be governed by and construed in accordance with the laws of England and Wales.
- 16.2 The courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim that arises out of or in connection with this Request for Information (including non-contractual disputes or claims).

17. CONTACT INFORMATION

Procurement Lead	
Name:	Zohaib Bhutta
Telephone Number:	0207 276 8605
Email Address:	niche@crownccommercial.gov.uk



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Annex A – Background to the Requirement

- West Kensington and Gibbs Green are two estates within the London Borough of Hammersmith and Fulham (LBHF) and part of the Earls Court regeneration plan.
- The West Kensington and Gibbs Green Estates comprise 760 homes (531 rented by council tenants, 171 privately owned freehold/leasehold properties (sold under the Right to Buy), and 58 properties let on long leases to housing associations).
- On 11 August 2015, the tenant group (West Kensington and Gibbs Green Community Housing Ltd (WKGG)) for these estates submitted a formal Proposal Notice under the Right to Transfer Regulations to LBHF requiring it to consider the transfer of property and land on these two estates to a housing association. If permitted, this transfer would remove both estates from the Earls Court regeneration plan.
- In response on 25 September 2015, LBHF submitted a request to the Secretary of State, under Regulation 13 of the Right to Transfer Regulations, to determine whether WKGG's transfer proposal would have a detrimental effect on the provision of housing services in the area or the regeneration of the area.
- In considering a determination request, the Right to Transfer Regulations and associated statutory guidance² enables the Secretary of State to take a wide range of issues into account in considering whether a transfer will have a detrimental effect on the provision of housing services or regeneration. Issues to consider may include: impact on the regeneration scheme on a comprehensive basis (impact on employment, local economy, and creating a geographical coherent area), but also potential impact on the Estates (as the regeneration prospects will be lost if they transfer); viability of WKGG alternative option; and progress of the regeneration scheme.

² The Statutory guidance is available at <https://www.gov.uk/government/publications/the-housing-right-to-transfer-from-a-local-authority-landlord-england-regulations-2013>