

**CA98/03/2013 (CE/9284-10):**

**Investigation into collusive tendering in relation to the supply and installation of certain access control and alarm systems: Q&A**

**Why isn't a copy of the OFT's Decision available on the OFT's website?**

The text of the Decision will be published on the OFT website in due course following the redaction of confidential information.

In the interim, the OFT has published a list of the 65 tenders found by the OFT to have involved collusive tendering which is available on the investigation's case page.

**Why has Cirrus got immunity from fines and what does this mean?**

Cirrus has immunity because it met the criteria for leniency as set out in the OFT's published guidance. These criteria are that it was the first to report and provide evidence of the cartel activity, and it did this at a time when the OFT did not have a pre-existing investigation into the reported cartel activity. In such circumstances, companies are entitled to automatic immunity from any financial penalties the OFT might have imposed provided certain conditions are met. This is without exception.

**Did Cirrus apply for leniency before residents raised awareness of its activities?**

The OFT's records indicate that it had not received any information (formally or otherwise) relating to the collusive tendering conduct which is the subject matter of this Decision from any third party prior to Cirrus applying for leniency. This includes from any resident or the family of any resident of a retirement home. The allegations in the media which have been brought to the OFT's attention did not suggest that Cirrus' behaviour was a breach of the Competition Act 1998.

**Can the OFT order Cirrus to pay compensation to those who believe they may have suffered as a result of this conduct?**

The OFT does not have the power to require infringing companies to pay compensation to the customers who may have suffered harm as a result of their anti-competitive conduct.

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However, the OFT's Decision can form the basis for the people who believe that they have suffered loss as a result of such conduct to seek redress through damages actions against any of the companies found to have infringed competition law in the Decision.

**Does the OFT suspect that other tenders may have been affected?**

The OFT retains reasonable grounds to suspect a breach of competition law in respect of a number of contracts involving Cirrus and either O'Rourke, Jackson or Owens between 2005 and 2009 falling outside of the findings in the Decision. However, the OFT considered that there was insufficient evidence to make infringement findings to that effect.

**Has the OFT found that prices were increased by this conduct? And, if so, by how much?**

No. The OFT has not made any findings about this. In order to reach infringement findings in this case, it has not been necessary for the OFT to demonstrate any effect on prices and/or harm to consumers.

However, the OFT has found that the aim of the collusive tendering in this case was to eliminate competition from the tendering process and to mislead a potentially vulnerable consumer group (residents of retirement homes) as to the nature of the tendering process.

**Is this a criminal cartel investigation? Will any of the individuals in the cartel face imprisonment?**

No. This investigation has been carried out solely under the OFT's civil investigation powers under the Competition Act 1998.