



Ministry  
of Defence

[REDACTED]  
DE&S Secretariat



Defence Equipment & Support  
Maple 0a, #2043  
MOD Abbey Wood  
Bristol BS34 8JH

Email: DESSEC-PolSecLE-JSC-WPNS@mod.uk

[REDACTED]

Our Reference:

Via:

FOI2016/02123

[REDACTED]

Date: 10 March 2016

Dear [REDACTED],

Thank you for your email of 16th February 2016 requesting the following information:

*I am writing to make a request under the Freedom of Information Act concerning the MoD's awarding of a contract to Cook Defence Systems of County Durham for £70m over four years to provide armoured vehicles including the Challenger II tanks, Warrior armoured personnel carrier and Scimitar reconnaissance vehicle with replacement tracks.*

*I would like to see:*

*The original tender document for the contract*

*A list of the companies/consortiums who bid for the contract*

*Copies of bids for the contract*

*The criteria used to decide who was awarded the contract*

*A timeline of decisions on awarding the contract from receipt of bids to final decision*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the Ministry of Defence, and I can confirm that information in scope of your request is held.

Some of the information you have requested can be found at annex A and annex B including the original tender document and a copy of the bid received, but some of the information falls within the scope of the absolute exemption provided for at sections 40 (Personal Data), and qualified exemptions provided for at section 43 (Commercial Interests) of the FOIA and has been redacted.

Section 40(2) has been applied to some of the information in order to protect personal information as governed by the Data Protection Act 1998. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

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Section 43 is a qualified exemption and is subject to public interest testing which means that the information requested can only be withheld if the public interest in doing so outweighs the public interest in disclosure.

Section 43 (2) considers information which if released is likely to prejudice the commercial interests of any person. A person may be an individual, a company, the MOD, or any other legal entity. Disclosing the information requested would be considered a breach of commercial confidentiality because it was given for evaluation purposes. This could result in other companies being reluctant to provide commercially sensitive information to the MOD. It could also be seen to prejudice future competitive exercises by the contractor.

Under Section 16 of the Act (Advice and Assistance) you may find it helpful to note that five companies responded to the original advertisement, but following the Pre-Qualification Questionnaire stage only one company entered a bid. The criteria used for deciding who was awarded the contract was "*the most economically advantageous tender in terms of the criteria stated in the specifications, in the invitation to tender or to negotiate or in the descriptive document*". The bid was received on 14<sup>th</sup> January 2014 and the contract was awarded on 8<sup>th</sup> July 2015. During this period a price that was deemed to be fair and reasonable was derived.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1<sup>st</sup> Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely,



DE&S Secretariat (Land Equipment & ISTAR)