



Ministry  
of Defence

de&s

DE&S Secretariat (LD & SE)

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22 July 2016

Our Reference:FOI2016/05680

Dear [REDACTED],

Thank you for your email dated 1 June 2016. You asked:

*...in relation to a contract you awarded.*

**Contract title: Supply of shirts**

**Award notice: <https://www.contractsfinder.service.gov.uk/Notice/0314f1cf-8c6a-4410-8430-fd2f10ed74cc>**

**Publication date of the award: 24/03/2016**

***...I wish to receive the following information: A copy of the list of bidders at PQQ and/or tender stage (company names) and the tender stage scorecard for all bidders (including winner)***

On 17 June 2016 I wrote to you to acknowledge your email as a request for information in accordance with the Freedom of Information Act; to inform you that the MOD held information relating to your request and to explain that we believed the information fell within the scope of qualified exemption: Section 43 (*Commercial Interests*). As such it was necessary for us to decide whether, in all the circumstances of the case, the public interest in maintaining the exemptions outweighed the public interest in disclosure.

We have now completed this work and I can tell you that we have concluded that Company evaluation/scoring data on the '*tender stage scorecard for all bidders (including winner)*' falls entirely within the scope of the qualified exemptions provided for at Section 43(2) (Commercial Interests) of the FOIA and has been withheld.

Section 43(2) provides that information is exempt if its disclosure would, or would be likely to prejudice the commercial interests of any organisation or person holding it, including the MOD and its contractors.

The FOI Act contains a presumption in favour of disclosure and there is a public interest in the release of information which supports the accountability of the MOD for its use of public money; for example, to demonstrate that value for money is being obtained for taxpayers and

that effective contractual processes are in place. Greater transparency of decision making processes makes government more accountable and the release of information would allow an increased public understanding of how the procurement processes are undertaken in an open and honest way.

However, the Public Interest Test also recognised that releasing scorecard information could weaken the MOD's position in a competitive environment by revealing market sensitive information which would be of use to potential contract bidders. More widely, it could result in companies generally being deterred from sharing commercially sensitive information with the MOD if they are unsure about whether their information would be protected.

Accordingly, the Public Interest Test concluded that the release of the tender stage scorecard would prejudice the commercial interests of the MOD and that the balance of the arguments lay in favour of withholding the information to protect the commercial interests of the MOD and its customers. Consequently, we have withheld the tender stage scorecard for this contract.

This requirement was advertised under open competition so there was no PQQ stage. Tender responses were received (and evaluated on the scorecard) from : Unique Group, Ningbo Isun Fashion Co Ltd, Ardmel/Ilasco, Seyntex NV, W Sugdens & Sons Ltd, Dimensions, FECSA, The Wyedean Weaving Co Ltd, Iturri, Unifeq and Cooneen Defence. The winning bidder was Unifeq.

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

  
Secretariat  
Defence Equipment and Support