



Ministry
of Defence

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Our Reference:
FOI2016-00121

Date:
7 March 2016

Via email:

Request for Information under the Freedom of Information Act (FOIA) 2000

Further to my letter of 2 March, I am now in a position to provide you with a substantive response to your Freedom of Information request, in which you sought information on the Type 23 Power Generation and Machinery Unit (PGMU) contract:

Bid Reference SSA/004/01 - Type 23 PGMU

a copy of the original contract that resulted from the above procedure as signed/agreed between Defence Equipment & Support (and or Ministry of Defence) and MTU Friedrichshafen GmbH. When referring to the "contract" I mean the following but excluding physical copies of DEFCON's and DEFSTAN's where referenced in the agreement;

The following as referenced in the restricted procedure I, invitation to negotiate;

1. *Contract*
2. *Appendices*
3. *Schedules*
4. *Annexes to Schedule A*

MAN Diesel & Turbo UK Ltd does not wish to understand any technical performance data associated with a competitor's engine, associated components and or its technical solution nor does it wish to see the detail of any prices or part numbers associated with the company MTU Friedrichshafen GmbH, this information can be individually redacted as you feel appropriate.

5. *I also request a summary that describes the contract revisions made to said contract together with a summary of contract revisions that are potentially planned to be conducted.*

Defence Equipment & Support

I apologise for the time taken to provide a full response.

As I advised in my letter of 2 February, I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA). I can confirm that the Ministry of Defence (MOD) holds some of the information that you have requested, and I have structured this response to address each of your numbered points in turn, although, as you will see, I have provided a combined response to points numbered 1-4, in which you sought information about the original contract.

Item Numbers 1-4 – A copy of the Contract agreed between DE&S and MTU Friedrichshafen GmbH to include the Appendices, Schedules and Annexes to Schedule A

A search for the information has now been completed, and I can confirm that the information you have requested to address these four items falls entirely within the scope of the absolute exemptions provided for at Section 21 (Information reasonably accessible by other means). The information you have requested is available in the public domain via the Government's Contract Finder section of the Gov.UK website. Details of the contract between DE&S and MTU for these elements of the PGMU programme can be found using the links as follows, searching under the subject heading PGMU (details published on 13 May 2015):

<https://www.contractsfinder.service.gov.uk/Search/Results?LocationType=AllLocations>

<https://www.contractsfinder.service.gov.uk/Search>

Item Number 5 – a summary that describes the contract revisions made to said contract together with a summary of contract revisions that are potentially planned to be conducted

In addressing the first part of this item, I have included a table, with information extracted from the Project Status Review showing changes that have been agreed in accordance with Clause 21 of the Contract with any approval dates.

Table showing Agreed Contract Changes with Dates

(CCPF) Number	Description	Date approved
001	Contract delivery dates for shipsets and related spare parts	3/8/15
002	Contract delivery dates for PM documents of Tranche 1 adjusted	2/7/15
004	Deletion of Hardcopy as contractual delivery	2/7/15
006	Delivery Dates ILS adjusted	14/7/15
007	Delivery Dates Engineering adjusted	2/7/15

009	Delivery Frequency	2/7/15
010	Change to the payment plan	14/9/15
011	Contract delivery dates	24/7/15
012	Update of ILS delivery dates	24/7/15
014	Change of Electromagnetic Compatibility Directive	14/9/15
015	Amendment of tools into the delivery plan and the payment plan	14/9/15
016	Update of ILS delivery dates	30/11/15

I have defined 'potentially planned' changes, as being any proposed changes that have been agreed by the contractor and the MOD but have not yet been the subject of formal action to amend the contract. I can confirm for this part that there is no information held, as there are no such planned changes.

You will recall, in my earlier letter to you, we were considering whether some of the information within the scope of your request should be withheld under the qualified exemption for section 43 (Commercial Interests). We have now considered this, and have concluded that a Public Interest Test was not necessary, as the information requested at Parts 1 to 4 of your request has already been released as part of the Government's transparency agenda, and the MOD does not hold any commercially sensitive information within the scope of Part 5 of your request.

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, 1st Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail 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. I can confirm that the Ministry of Defence holds the information within the scope of your request.

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 the case until the 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.gov.uk>

Yours sincerely,

Defence Equipment & Support

DE&S Policy Secretariat

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