



Ministry
of Defence



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



Your Reference:

Our Reference:
FOI2015/07129
Date:
26 August 2015

Dear

Your email dated 12th August 2015 is considered to be a request for information under the Freedom of Information Act (FOIA) 2000. You requested the following information:

For all procurements the Ministry of Defence (including any organisations it may be responsible for such as executive agencies and non-departmental public bodies) has run under the EU Procurement Directives which were concluded/awarded between 1 April 2014 and 31 July 2015 I request the following information for each individual procurement:

- The title of the procurement including the Lot structure and title of each Lot where a Lot structure was used*
- The name and if possible address of each individual company/organisation which submitted a tender and was unsuccessful in being awarded a contract/place on a framework agreement*
- If a framework agreement or a Lot structure applied, the name and if possible address of each unsuccessful tenderer per Lot*
- For all restricted procedure procurements the name and if possible address of each individual company/organisation unsuccessful at the pre-qualification questionnaire stage (PQQ) – i.e. companies/organisations which submitted a PQQ but were not invited to tender. Please break down by Lot if a Lot structure applied*

I can confirm that the Ministry of Defence (MOD) holds information relevant to your request. However, the majority of the information requested is already in the public domain, published in OJEU (Official Journal of the European Union) contract notices and freely available via Tenders Electronic Daily. I am, therefore, withholding this information under absolute exemption Section 21 of the FOIA, which exempts information if it is reasonably accessible to the applicant by other means. The MOD does not centrally maintain data on the information you seek.

I can advise you, that about 80% of MOD procurement that is above the financial thresholds in the EU procurement directives is undertaken in accordance with the Directives i.e. the Public Contract Regulations (PCR 2015), specifically for the procurement of works, supply and services contracts; and the Defence and Security Public Contracts Regulations (DSPCR 2011) for the procurement of

military and sensitive security equipment and related goods, works and services. The thresholds for these regulations are ~£111,000 (~£111K), and ~£345,000 (~£345K) respectively.

Currently , about 15-20% of procurement is exempt under the exemptions contained within the two procurement directives, or Article 346 TFEU (Treaty on the Functioning of the European Union). Article 346 TFEU allows a procurer to: (1) depart from TFEU obligations to supply information the disclosure of which the UK considers contrary to the essential interests of UK security; and (2) take measures necessary for the protection of UK essential security interests which are connected with the production of, or trade in, arms, munitions and war material; provided that these measures do not adversely affect competition in the common market for products which are not specifically intended for military purposes.

During 2013/14, the MOD let 1,613 contracts under the DSPCR 2011 threshold of ~£345K, of which 1,195 were also under the PCR 2015 threshold of ~£111K.

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.

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,

