



Ministry
of Defence



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



Your Reference:

Our Reference:
FOI2015/11858

Date:
11 January 2016

Dear

Your email dated 30th December 2015 is considered to be a request for information under the Freedom of Information Act (FOIA) 2000. You requested the following information:

1. Which government institution is responsible for the armament/military equipment acquisitions?
2. Is it independent from MoD or does it operate within MoD structures?
3. How does a typical military equipment acquisition procedure look like? What are the main phases of such procedure?
4. How does institution responsible for the military equipment purchase communicate with potential vendors/contractors – both domestic and foreign?
5. How can foreign defence company contact with the institution responsible for military equipment acquisitions?
6. What are formal obligations/requirements which domestic/foreign defence contractor has to fulfil in order to participate in announced tenders?

I can confirm that the Ministry of Defence (MOD) holds information relevant to your request. Responsibility for military armament and equipment acquisition rests with Defence Equipment & Support, a bespoke trading entity within the MOD. Details can be found on the Gov.UK website at the link <https://www.gov.uk/government/organisations/defence-equipment-and-support>.

The MOD uses a competitive approach to procurement in all but exceptional cases where there are justifiable and legally compliant reasons not to do so. Our policy is to buy equipment and services under an open and fair procurement process, which maximises the use of competition in order to seek best value for money. Full details of the means by which the MOD conducts, governs and controls Defence acquisition is provided by Acquisition System Guidance (ASG). Access to the ASG is by free registration through the Gov.UK website at the link <https://www.gov.uk/guidance/acquisition-operating-framework>.

The MOD advertises all its future tender and contract opportunities with a value of over £10,000 through Defence Contracts Online, which can be found at the link <http://www.contracts.mod.uk/>; and on the Government's Contracts Finder portal, at the link <https://www.gov.uk/contracts-finder>. Suppliers can register for Defence Contracts Online free of charge. Similarly, they may set up an account for Contracts Finder free of charge.

Alternatively, a potential supplier may contact the Defence Supplier Service (DSS) which provides advice and guidance to all those interested in selling to the MOD. The DSS can advise how to become a defence supplier; how to access MOD contract and tender opportunities; and help with the processes and procedures that the MOD uses to buy a wide variety of equipment and services. The DSS can be contacted as follows:

Defence Suppliers' Service
Supplier Relations Team
Poplar 1 #2119
DE&S
MOD Abbey Wood
Bristol BS34 8JH

Tel: 0044 (0) 117 913 2844
E-mail: defcomrclsrtdsshelpdesk@mod.uk

The MOD accords with the European Union (EU) Defence and Security Procurement Directive through the application of UK secondary legislation 'The Defence and Security Public Contracts Regulations (DSPCR) 2011'. The DSPCR is applied to the procurement of military equipment or sensitive equipment, works or services within the thresholds laid down by the EU. Requirements are advertised in the Official Journal of European Union (OJEU). Full details of the DSPCR and its application can be found on ASG, at the link provided above.

The MOD also applies the European Defence Agency (EDA) Code of Conduct on Defence Procurement (the Code) to all contracts for goods and services above the specified threshold of 1,000,000 Euros that meet the criteria for an application of an exemption under Article 346 of the Treaty for the Functioning of the European Union (TFEU). Specifically, Article 346 (1)(a) allows EU countries to keep secret any information the disclosure of which they consider contrary to the essential interests of their security; and Article 346 (1)(b) allows EU countries to take measures they consider necessary for the protection of their essential security interests in connection with the production of/ trade in arms, munitions and war material (specified in the 1958 list). Measures taken under Article 346 (1)(b) may not adversely affect competition on the common market for products not specifically intended for military purposes.

The Code, which has opened up public procurement to cross-border competition amongst EDA Member States, is underpinned by the EDA robust reporting and monitoring system which helps ensure that the principles of mutual transparency and mutual accountability among EDA Member States are being maintained.

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,

