



Ministry  
of Defence

Defence Equipment and Support  
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Email: DES SEC-PolSec LE-JSC-WPNS@mod.gov.uk

[REDACTED]

[REDACTED]

Our Reference:  
FOI2022/02058  
Date:  
9 March 2022

Dear [REDACTED]

Thank you for your email of 10 February 2022 requesting the following information:

[REDACTED] *requests the following information about Defence support contracts: Contract No: MSS/023 - Date of contract award decision: 22.2.2017*

*Under the Freedom of Information Act (FOI) 2000, I would like to request the following; Can you provide the All the NSN's found on the SOR for this contract and the usage rates for the previous two years, and when does this contract due to end (terminate) and if any further extensions are planned."*

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 (MOD), and I can confirm that some information in scope of your request is held and can be found below.

However, some of the information requested falls within the scope of qualified exemptions section 22 (Information Intended for Future Publication) and section 43 (Commercial Interests) of the FOIA and has been withheld.

Sections 22 and 43, as qualified exemptions, are 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.

General arguments in favour of release were that full disclosure would demonstrate the MOD's commitment to openness and transparency; and make the UK Government more accountable to the electorate. The FOI Act also contains a presumption for release.

Section 22 has been applied to the information concerning the NSNs in the contract as almost identical information is due to be published in the next few weeks as part of a new Invitation To Tender (ITT). Therefore, releasing this information now would undermine the future competitive exercise.

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 concerning the NSNs and usage rates for the previous two years would provide an unfair advantage to any supplier receiving it as this data would enable a supplier to commence work on their bid or provide that information to other suppliers prior to the ITT's official release. This would prejudice the commercial interests of other potential bidders as well as the MOD.

For these reasons I have set the level of prejudice against release of the exempted information at the higher level of "would" rather than "would be likely to".

However, I am able to confirm that the end date of the contract was March 2021.

Under Section 16 of the Act (Advice and Assistance) I can advise that, whilst I am not able to disclose information about the NSNs and previous usage rates, I have included the following link for the contract award notice and a copy of the redacted contract can be found here:

<https://www.contractsfinder.service.gov.uk/notice/2173cc54-9acd-46ea-804e-9f4dece6dae6?origin=SearchResults&p=1>.

Please note that the contract award notice advises the contract end date will be February 2024. This is unfortunately a misprint. Within the contract itself under section 2.8.1 it advises that the contract shall end after a period of 3 years plus 1 optional year which confirms the end date to have been March 2021. A competitive exercise for a new contract is due to commence shortly and the intention is to release the Contract Notice later this month. This will be advertised through the Defence Sourcing Portal <https://www.contracts.mod.uk/>. A copy of the Tender will be issued with the notice, which will include an equipment list (NSNs) and estimated quantities.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.gov.uk](mailto:CIO-FOI-IR@mod.gov.uk)). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

**DE&S Secretariat**

**Defence Equipment & Support**