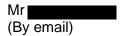


Single Source Regulations Office



29 July 2022

Single Source Regulations Office Finlaison House 15-17 Furnival Street London EC4A 1AB

T 020 3771 4767 E enquiries@ssro.gov.uk

www.gov.uk/ssro

Dear

Subject: Freedom of Information request (RFI 060) – Past and current qualifying defence contracts

I write in response to your email of 25 July 2022 seeking information we hold about past and current qualifying defence contracts. We are dealing with your request under the Freedom of Information Act 2000. We have assigned your request the reference RFI 060. Please quote this reference in any correspondence related to this matter.

To enable us to identify and locate the correct information, we require clarification on the following matters.

Contract start date

All contracts will have a date that they were entered into. For the purposes of the Defence Reform Act 2014, there may be existing contracts that have subsequently been brought into the regime on amendment and the date they are brought into the regime will be different to the date they were entered into. Contracts may also have a start date, generally being when performance of the contract commenced. This date may not be the same as either the date the contract was entered into or the date it was brought into the regime.

We have interpreted your request as referring to the dates the contracts were entered into.

Please confirm whether we have understood the meaning of your request.

Contract value

The Single Source Contract Regulations 2014 (SSCR) provide definitions of the terms contract 'value' and contract 'price'. These are not the same and may produce different values in relation to a particular qualifying defence contract.

Regulation 5 of the SSCR explains how the value of a contract is to be determined by the contracting authority. You will see that this includes, for example:

- taking account of any option contained in the contract and the likelihood that it will be exercised; and
- aggregating the consideration that the contracting authority has paid or expects to be payable under the contract and other contracts which are not the result of a competitive process which the contracting authority has entered into, or proposes to enter into, with the same person (or persons associated with that person) for the purpose of fulfilling the same requirement for goods, works or services.

Regulation 2(1) of the SSCR provides a definition of the term 'contract price'.

You should note that:

- The value of a qualifying defence contract is assessed only once, by the contracting authority, at the outset, in order to determine whether and how the regulatory framework applies to it.
- In some cases the price of a qualifying defence contract may differ between the time of agreement and completion of the contract.

Please confirm whether you are seeking information on contract values or contract prices.

Original/current/current forecast

Your request seeks information (contract value, start date, end date) relating to different points in time. We have indicated below our understanding of these terms.

- Original where more than one piece of information is held, that which was provided/recorded at the earliest point in time.
- Current where more than one piece of information is held, the most recently provided/recorded.
- Current forecast where more than once piece of information is held about a future outcome, the most recently provided/recorded.

Please confirm whether we have understood the meaning of your request.

Until we receive clarification on these points, we will consider the request to be suspended. The 20 working days within which we must respond to your request will commence when we receive your clarification. If we do not hear from you within two months of the date of this communication, we will assume that you are no longer seeking disclosure of the information and the request will be closed.

We look forward to receiving your clarification on these points in order that we may consider your request further.

Yours sincerely



Single Source Regulations Office

Mr (By email)

Single Source Regulations Office Finlaison House 15-17 Furnival Street London EC4A 1AB

T 020 3771 4767 E enquiries@ssro.gov.uk

www.gov.uk/ssro

26 August 2022

Dear

Subject: Freedom of Information request (RFI 060) – Past and current qualifying defence contracts

I am writing again in relation to your email of 25 July 2022 seeking information we hold about past and current qualifying defence contracts (QDCs). We are dealing with your request under the Freedom of Information Act 2000 (FOI Act). We have assigned your request the reference RFI 060. Please quote this reference in any correspondence related to this matter.

Following the clarification of your original request provided on 1 August we have considered what information we hold related to your request. At the 1 August we held information about 419 past or current QDCs.

We do not hold any information about the Senior Responsible Owners of these contracts at the MOD.

For the other information you requested about these QDCs, where this is held, it is supplied to the SSRO either by the Ministry of Defence (MOD) when it notifies us of a QDC or by the companies who hold the QDCs in fulfilment of their contract reporting obligations under the Defence Reform Act 2014 and Single Source Contract Regulations 2014. In some cases the information may be provided by both the MOD and the contractor whilst some of the information is from contractors having submitted multiple reports which may contain the same or updated information.

This table shows for each item of information requested the potential sources of the information we hold.

RFI 060	Primary source	Secondary source
The contractor who holds the contract	Contract report(s)	Notification data
The name of the Defence Contract	Contract report(s)	Notification data
A brief description of the contract (or headline requirement)	Contract report(s) Notification data	
Date contract entered into	Contract report(s)	Notification data
The original contract start date	Notification data	-
The original contract end date	Notification data	Contract report(s)
The current forecast contract end date	Contract report(s)	Notification data
The original £ value of the contract	Notification data	Contract report(s)*
The current £ value of the contract	Contract report(s)*	Notification data
The original £ price of the contract	Notification data	Contract report(s)
The current £ price of the contract	Contract report(s)	Notification data
The Senior Responsible Owner of the contract at the MOD	Not held	Not held

^{*} Until 2020

Where you have requested both an original and current or current forecast piece of information – as in the cases of contract end date, contract value and contract price – we would need to establish what information we hold from either contract notifications or contract reports and the date it was supplied to us in order to establish which information is the original and which the current or current forecast.

The FOI Act sets a cost limit (the appropriate limit) for complying with an FOI request, and a mechanism for establishing whether the cost of determining whether we hold information, finding that information or records containing the information and extracting the requested information from records exceeds that cost limit. For this authority the appropriate limit is set at £450 with SSRO staff time assumed to cost £25/hour.

From our preliminary assessment, it is clear that answering your request in its entirety would exceed the appropriate limit set by the FOI Act.

- Information from contract reports supplied by contractors is held in the SSRO's Defence Contract
 Analysis and Reporting System (DefCARS). We are able to locate and retrieve relevant information
 from DefCARS in order to respond to certain elements of your request within the cost limit.
- However some of the information from the MOD's contract notifications is not routinely recorded in DefCARS or another database. We undertook an exercise to establish the time needed to locate and retrieve the relevant contract notifications from within our electronic document store and extract the relevant information from them. On the basis of a 5 per cent sample completed, we estimate that locating, retrieving and extracting (where available) the relevant information from contract notifications for all the contracts covered by your request will cost at least £950 (38 hours at £25/hour).

Section 12 of the Freedom of Information Act 2000 makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit. Accordingly, your request will not be processed further.

Please let us know whether you wish us to consider a revised request for information. As indicated above, fulfilling a request which you have limited only to the items of information which have been provided to us by contractors in their contract reports and which is held within DefCARS would not exceed the cost limit.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to enquiries@ssro.gov.uk.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely