



Medicines & Healthcare products
Regulatory Agency

10 South Colonnade
Canary Wharf
London
E14 4PU
United Kingdom
gov.uk/mhra

[REDACTED]
[REDACTED]

9 February 2024

FOI 24/043

Dear [REDACTED]

Thank you for your information request, dated 17 January 2024. I confirm that I have processed this under the Freedom of Information Act 2000.

Your request

I would be most grateful if you would provide me, under the Freedom of Information Act, details in respect to the contract below.

Appian Case Management:

The details we require are:

- What are the contractual performance KPI's for this contract?***
- Suppliers who applied for inclusion on each framework/contract and were successful & not successful at the PQQ & ITT stages • Actual spend on this contract/framework (and any sub lots), from the start of the contract to the current date • Start date & duration of framework/contract?***
- Could you please provide a copy of the service/product specification given to all bidders for when this contract was last advertised?***
- Is there an extension clause in the framework(s)/contract(s) and, if so, the duration of the extension?***
- Has a decision been made yet on whether the framework(s)/contract(s) are being either extended or renewed?***
- Who is the senior officer (outside of procurement) responsible for this contract?***

Our response

I am pleased to provide you with the information requested below. Each question will be taken in turn.

I can confirm that MHRA does hold some of the information that you have requested. However, some of the information has been withheld by under s43(2) FOIA as commercially sensitive. [Freedom of Information Act 2000 \(legislation.gov.uk\)](https://legislation.gov.uk)

- **What are the contractual performance KPI's for this contract?**

Systems Performance
Service Performance
Cost

- **Suppliers who applied for inclusion on each framework/contract and were successful & not successful at the PQQ & ITT stages**

Whilst we hold this information, this is exempted by s43(2) FOIA and commercially sensitive. The procurement is managed by Crown commercial Services Framework they would have done PQQ(SQ) and ITT. We do not give out the losing bids.

Details of the contract bidders are being withheld under section 43(2) of the FOIA as information which if disclosed would be likely to prejudice the commercial interests of companies and of the Agency regarding current contracts and future negotiations.

As a qualified exemption this requires a public interest test to be carried out to consider whether the balance of public interest in disclosing the information outweighs that in not disclosing.

We consider that the information request is commercially sensitive and we maintain it is to be withheld under s43 of the FOIA 2000. Under Section 43, information is exempt from disclosure if releasing it would, or would be likely to prejudice the commercial interests of any person (including the public authority holding it). We consider that in disclosing this information it would be likely to weaken the MHRA's bargaining position during future tendering processing if this information were to be released.

Disclosure could also potentially weaken the standing of the pending and future transactions with other parties or related tenders. In considering the public interest test, we considered the benefits of maintaining a confidential position in the way in which we would handle their information and how this may affect our bargaining ability during future negotiations. We recognise and consider that there is a greater public interest in maintaining confidentiality and protecting commercially sensitive information, release of which could damage commercial status in future contracts, including that of the MHRA. As such, we consider that maintaining the exemption outweighs the public interest in disclosure. We have withheld the losing bids in this case as it may cause a fluctuation in market price in future and therefore have an effect on the public purse, it would also identify the losing firms and could cause them damage to their reputation.

Whilst there is a general public interest in increasing transparency and openness particularly with regard to public expenditure, there is also a need to protect the legitimate

commercial interests of organisations. It is not in the public interest to disclose information that would be likely to be used by competitors and weaken a company's position, in an already competitive market.

In this case, there is also a public interest in withholding information where disclosure would be likely to prejudice the commercial interests of the Agency, which would result in the less effective use of public money or threaten its ability to negotiate contracts. We believe, therefore, that the balance of the public interest favours withholding the information but have given out the winner's bid.

- **Actual spend on this contract/framework (and any sub lots), from the start of the contract to the current date**

£5m

- **Start date & duration of framework/contract?**

01/01/2018 for 5 years

- **Could you please provide a copy of the service/product specification given to all bidders for when this contract was last advertised?**

This is exempted by s43(2) FOIA. We have to consider the public interest test again and the arguments are similar to those above. However, MHRA believe that giving out the breakdown of the service/product specification would cause Apollo harm to them commercially as it would reveal the software details of their product and sensitive to them and would likely cause harm financially as well as to their damage to their reputation and the MHRA's ability to run future tenders in an already competitive market.

The withholding of this information on the breakdown of the specification far outweighs giving the information out.

- **Is there an extension clause in the framework(s)/contract(s) and, if so, the duration of the extension?**

Option to extend for subsequent 12-month terms for a total of no more than 3 subsequent annual renewals.

- **Has a decision been made yet on whether the framework(s)/contract(s) are being either extended or renewed?**

Currently in extension period. No firm future decision has been made.

- **Who is the senior officer (outside of procurement) responsible for this contract**

Deputy Director Strategy & Architecture.

The Freedom of Information Act only entitles you access to information – the information supplied is subject to Crown copyright, and there are some restrictions on its re-use. For information on the reproduction or re-use of MHRA information, please visit

<https://www.gov.uk/government/publications/reproduce-or-re-use-mhra-information/reproduce-or-re-use-mhra-information>.

If you have a query about the information provided, please reply to this email.

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 you receive this response and addressed to: info@mhra.gov.uk

Please remember to quote the reference number above in any future communications.

If you were to remain dissatisfied with the outcome of the internal review, you would have the right to apply directly to the Information Commissioner for a decision. Please bear in mind that the Information Commissioner will not normally review our handling of your request unless you have first contacted us to conduct an internal review. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

FOI Team
MHRA Customer Service Experience Team