



Homes
England

Date: 14 August 2024

Our Ref: RFI4844

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk


By Email Only

Dear Sir/Madam

RE: Request for Information – RFI4844

Thank you for your request for information which was processed in accordance with the Freedom of Information Act 2000 (FOIA).

You requested the following information:

Contract Titles:

Azure Migration Services

Microsoft Enterprise Agreement

The details we require are:

- What are the contractual performance KPIs for this contract?
- Suppliers who applied for inclusion on each framework/contract and were successful & not successful at all procurement stages
- Actual spend on this contract/framework (and any sub lots), from the start of the contract to the current date
- Start date and duration of the framework/contract.
- Could you please provide a copy of the service/product specification given to all bidders for when this contract was last advertised?
- If this contract was awarded through a framework, please advise which framework and lot
- 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 extended or renewed?
- If renewed, has a decision been made yet on when this will come out to the market for pre-market engagement and/or the start of the tender process? If yes, please can you kindly advise on dates and expected procurement route (i.e. public or via a framework)?
- Who is the senior officer (outside of procurement) responsible for this contract?

6th Floor
Windsor House
42 - 50 Victoria Street, Westminster
London, SW1H 0TL

0300 1234 500
@HomesEngland
www.gov.uk/homes-england





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Response

We can confirm that we do hold some of the requested information. We will address each of your questions in turn.

Azure Migration Services

What are the contractual performance KPIs for this contract?

We can confirm that there are no contractual performance KPI's for this contract.

Suppliers who applied for inclusion on each framework/contract and were successful & not successful at all procurement stages

This contract was procured using the Crown Commercial Service (CCS) G-Cloud and no other suppliers were identified during the process. The contract was awarded to Risual Ltd.

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

We can confirm that the actual spend to date (as at 25 July 2024) is £17,250.00.

Start date and duration of the framework/contract.

We can inform you that we do hold the information that you have requested. However, we rely on section 21, exemption where information is available to the applicant elsewhere.

The full text of the legislation can be found on the following link and we have quoted section 21 below for ease.

<https://www.legislation.gov.uk/ukpga/2000/36/section/21>

Section 21 - Information accessible to applicant by other means.

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1)—

(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and





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(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. As such, we can advise that some of this information is available on our gov.uk Contracts Finder via the below link under the reference number DN671089, ensuring to select 'awarded contract' when searching.

<https://www.contractsfinder.service.gov.uk/Search>

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

No specification was issued or advertised to suppliers.

If this contract was awarded through a framework, please advise which framework and lot

G-Cloud 13, Lot 3: Cloud Support

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

We can advise that there is no extension clause in the contract.

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

We can confirm that a decision has been made to not renew this contract.

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

We are able to inform you that we do hold the information that you have requested. However, we rely on Section 40(2) of the FOIA to withhold the information from disclosure.





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Section 40 – Personal information

We are withholding information on the grounds that it constitutes third party personal data and therefore engages section 40(2) of the FOIA.

To disclose personal data, such as names, contact details, addresses and email addresses could lead to the identification of third parties and would breach one or more of the data protection principles.

Section 40 is an absolute exemption which means that we do not need to consider the public interest in disclosure. Once it is established that the information is personal data of a third party and release would breach one or more of the data protection principles, then the exemption is engaged.

The full text in the legislation can be found on the following link;

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. As such we can advise that the responsible team to contact within Homes England regarding this framework is the procurement team. Correspondence can be directed via our enquires team:

enquiries@homesengland.gov.uk or 0300 1234 500.

Microsoft Enterprise Agreement

What are the contractual performance KPIs for this contract?

Suppliers who applied for inclusion on each framework/contract and were successful & not successful at all procurement stages

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

We can confirm that Homes England does not hold the information detailed in your request. This is because there is no legal or business reason for Homes England to do so.

To conclude that the information is not held, we have searched with our Commercial team who would have the requested information if held.

The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty under section 1(1) is only to provide the recorded information held.





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The full text of section 1 in the legislation can be found here:

<https://www.legislation.gov.uk/ukpga/2000/36/section/1>

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. To comply with this duty we are able to confirm that this procurement was not conducted by Homes England and therefore we do not hold any information in relation to the suppliers who applied for inclusion, a copy of the contractual KPI's provided to the applicants or the project specifications. We advise that you contact CCS via the below link for the requested information.

<https://www.gov.uk/government/organisations/crown-commercial-service>

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

We can confirm that the actual spend to date (as at 25 July 2024) is £2,608,256.00.

Start date and duration of the framework/contract.

We can inform you that we do hold the information that you have requested. However, we rely on section 21, exemption where information is available to the applicant elsewhere.

The full text of the legislation can be found on the following link and we have quoted section 21 below for ease.

<https://www.legislation.gov.uk/ukpga/2000/36/section/21>

Section 21 - Information accessible to applicant by other means.

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1)—

(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate





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(otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. As such, we can advise that some of this information is available on our gov.uk Contracts Finder via the below link under the reference number DN660771, ensuring to select 'awarded contract' when searching.

<https://www.contractsfinder.service.gov.uk/Search>

If this contract was awarded through a framework, please advise which framework and lot

This contract was procured using the Crown Commercial Service under RM6068.

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

We can advise that there is no extension clause in the contract.

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

We are able to confirm that Homes England does not hold the information detailed in your request. This is because there is no legal or business reason for Homes England to do so.

In order to conclude that the information is not held, we have searched with our Procurement team who would have the requested information if held.

The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty under section 1(1) is only to provide the recorded information held.

The full text of section 1 in the legislation can be found here:

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Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. As such we can advise that we hold no recorded information regarding any potential discussions to extend or renew this framework and suggest that you contact CCS as advised above.

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

We are able to inform you that we do hold the information that you have requested. However, we rely on Section 40(2) of the FOIA to withhold the information from disclosure.

Section 40 – Personal information

We are withholding information on the grounds that it constitutes third party personal data and therefore engages section 40(2) of the FOIA.

To disclose personal data, such as names, contact details, addresses and email addresses could lead to the identification of third parties and would breach one or more of the data protection principles.

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The full text in the legislation can be found on the following link;

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. As such we can advise that the responsible team to contact within Homes England regarding this framework is the procurement team. Correspondence can be directed via our enquires team:

enquiries@homesengland.gov.uk or 0300 1234 500.

Right to Appeal

If you are not happy with the information that has been provided or the way in which your request has been handled, you may request an internal review. You can request an internal review by writing to Homes England via the details below, quoting the reference number at the top of this letter.

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Information Governance Team

Homes England

Windsor House

6th Floor

42-50 Victoria Street

London

SW1H 0TL

United Kingdom

Your request for review must be made in writing, explain why you wish to appeal, and be received within 40 working days of the date of this response. Failure to meet this criteria may lead to your request being refused.

Upon receipt, your request for review will be passed to an independent party not involved in your original request. We aim to issue a response within 20 working days.

You may also complain to the Information Commissioner's Office (ICO) however, the Information Commissioner does usually expect the internal review procedure to be exhausted in the first instance.

The Information Commissioner's details can be found via the following link:

<https://ico.org.uk/>

Please note that the contents of your request and this response are also subject to the Freedom of Information Act 2000. Homes England may be required to disclose your request and our response accordingly.

Yours sincerely,

The Information Governance Team
For Homes England

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