



[REDACTED]

7 December 2020

[REDACTED]

Freedom of Information request: FOI2020/00357

Thank you for your Freedom of Information request received on the 16 October in which you requested the following:

Your request:

We are writing to request information under the Freedom of Information Act 2000. CACI Limited is interested in certain information held by your organisation regarding proposal sent by Made Tech Limited and/or contract(s) entered into by your organisation and Made Tech Limited in the last 3 years. As part of your response, please can you include the following information relating to Made Tech Limited:-

- 1. Copies of any contracts with Made Tech Limited and your organisation entered into in the last 3 years*
- 2. Details of any frameworks pursuant to which such contract(s) was/were entered into or else, terms and conditions of such contract(s) (E.g. G-Cloud 11).*
- 3. Copied of any proposal received from made Tech Limited (e.g. any proposals submitted relating to any tender process)*
- 4. Details of any monies paid or to be paid during the term of any such contract(s) referred in point 1 above.*
- 5. Details of any notice period for termination served by you on Made Tech Limited under such contract(s).*
- 6. Renewal options, if any, under such contract(s).*
- 7. Day rates per grade of Made Tech Limited' staff allocated to provision of services pursuant to such contract(s).*
- 8. Details of Made Tech Limited' staff allocated to provision of services pursuant to such contract(s).*
- 9. Any tender responses where Made Tech Limited has indicated where it has any legal disputes relating to any of its staff.*

Our response

I can confirm UK Research and Innovation (UKRI) hold the information relevant to your request. Please see each question addressed in turn below:

1. *Copies of any contracts with Made Tech Limited and your organisation entered into in the last 3 years*
UKRI hold one contract with Made Tech limited, reference: DDaT20278. I can confirm this contract is for consultancy services in relation to Migration and Decommissioning work for the period 14/09/20 – 09/11/20. Publicly available information in relation to this contract can be found on [contracts finder](https://www.contractsfinder.service.gov.uk/Notice/dceb8a6f-df91-4832-936f-074df203e0f0)¹. A copy of the contract itself is withheld under Section 43(2) of the FOIA – Commercial Interests.

2. *Details of any frameworks pursuant to which such contract(s) was/were entered into or else, terms and conditions of such contract(s) (E.g. G-Cloud 11).*
The framework was route to market, a 3-quote procurement process.

¹ <https://www.contractsfinder.service.gov.uk/Notice/dceb8a6f-df91-4832-936f-074df203e0f0>

3. *Copies of any proposal received from Made Tech Limited (e.g. any proposals submitted relating to any tender process)*

This information has been withheld under Section 43(2) of the FOIA – Commercial Interests and Section 41 – Information provided in confidence.

4. *Details of any monies paid or to be paid during the term of any such contract(s) referred in point 1 above.*
The contract value is £49,963.00. Details of monies paid to date are as follows:

- September invoice £10,092.95 - paid
- October invoice £29,601.05 payment in progress

1. *Details of any notice period for termination served by you on Made Tech Limited under such contract(s).*

As this contract has been issued on UKRI Low Value T&C's, details in relation to this question are publicly available on [UKSBS website](https://www.ukri.org/procurement/procurement-terms-conditions/)².

2. *Renewal options, if any, under such contract(s).*

There are no renewal options, this is not applicable.

3. *Day rates per grade of Made Tech Limited' staff allocated to provision of services pursuant to such contract(s).*

This information has been withheld under Section 43(2) of the FOIA – Commercial Interests and Section 41 – Information provided in confidence.

4. *Details of Made Tech Limited' staff allocated to provision of services pursuant to such contract(s).*

This information has been withheld under Section 43(2) of the FOIA – Commercial Interests and Section 41 – Information provided in confidence.

5. *Any tender responses where Made Tech Limited has indicated where it has any legal disputes relating to any of its staff.*

No Information is held in relation to this question.

We have determined that the contract and proposal information you have requested in questions 1,3,7 and 8 is withheld as it falls under Section 43 commercial interests and Section 41 information provided in confidence.

Under section 41 information provided in confidence we believe if the contract and proposal information has been provided to us in confidence and if it was released, it would result in an actionable breach of confidentiality. As Section 41 is an absolute exemption there is no requirement to conduct a public interest test.

We believe the information you have requested also falls under the scope of Section 43(2) of the FOIA. This exemption is used where disclosure would likely result in a person's (an individual, a company the public authority itself or any other legal entities) commercial interests being prejudiced.

This is a qualified exemption, meaning that a test was carried out to determine whether the public interest outweighs the requirement for commercial confidentiality.

Public interest in favour of disclosure

- There is a general public interest in the disclosure of this information to ensure transparency and openness of a public organisation.
- There is also a public interest in transparency in order to ensure the accountability of public organisations and how they spend public funding.
- It would be in the public interest to view the contract and proposals as public monies are used to fund the work carried out. As this is the case it is important that the contract has a positive impact and is beneficial to all parties involved. Seeing copies of the proposal enables the public to independently assess the impact of the contract.

Public interest in favour of withholding the information

² <https://www.uksbs.co.uk/services/procure/Documents/SSCPOterms.pdf>

- Releasing information provided in confidence to UKRI is likely to damage the possibility of ongoing relationships with other organisations. Relationships may become untenable if third parties cannot be certain that their commercial information will remain confidential when held by UKRI.
- Breaching the commercial interest may also adversely affect future negotiation opportunities for UKRI. UKRI may be seen as a 'confidentiality' risk if it routinely releases information relating to business arrangements into the public domain, particularly where this is third party information
- Contracts contain information commercially sensitive to the supplier such as pricing information, methods etc. which if released may harm their ability to compete for future commercial opportunities.
- Contracts contain information that the supplier would not anticipate UKRI releasing into the public domain.
- We also considered the impact on UKRI if commercially sensitive information of companies we and engage and work closely with were disclosed. We believe it would damage the trust in UKRI and likely impact our ability to carry out our role and manage our current and future investments.

Taking the above arguments into consideration, we reached the decision that the need for commercial confidentiality outweighs the public interest in disclosure; therefore the information is exempt from disclosure.

If you have any queries regarding our response or you are unhappy with the outcome of your request and wish to seek an internal review of the decision, please contact:

Head of Information Governance


Email: foi@ukri.org or infogovernance@ukri.org

Please quote the reference number above in any future communications.

If you are still not content with the outcome of the internal review, you may apply to refer the matter to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the review procedure provided by UKRI. The Information Commissioner can be contacted at: <http://www.ico.gov.uk/>

If you wish to raise a complaint regarding the service you have received or the conduct of any UKRI staff in relation to your request, please see UKRI's complaints policy: <https://www.ukri.org/about-us/policies-and-standards/complaints-policy/>

Yours sincerely,


 Information Governance
 Information Rights Team
 UK Research and Innovation
foi@ukri.org | dataprotection@ukri.org