



MINISTRY OF DEFENCE

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CONTRACT TRANSPARENCY – PRAGMATIC IMPLEMENTATION IN MOD

As I am sure you are aware greater transparency across Government is at the heart of the Government's shared commitment to enable the public to hold politicians and public bodies to account; to reduce the deficit and deliver better value for money in public spending; and to realise significant economic benefits by enabling businesses and non-profit organisations to build innovative applications and websites using public data.

The Government has committed to setting new standards for transparency, and '[The Coalition: our programme for Government](#)' sets out a number of specific commitments. The Government's initial transparency commitments with regard to procurement and contracting are set out below, alongside deadlines for publication. Limited exemptions from publication on national security and personal privacy grounds will be permitted.

- All new central government Information, Communication and Technology contracts over the value of £10,000 to be published in full online from July 2010;
- All new central government tender documents for contracts over £10,000 to be published on a single website from September 2010, with this information to be made available to the public free of charge;
- New items of central government spending over £25,000 to be published online from November 2010;
- All new central government contracts to be published in full from January 2011.

Suppliers and those organisations looking to bid for public sector contracts should hence be aware that, under the transparency commitment, if they are awarded a new Government contract, the resulting contract between the supplier and Government may be published.

Your company will already have received a letter from the MOD Financial Management Shared Service Centre regarding the intention to publish data for transactions over £25,000.

Given the sensitive nature of some of the procurements the MOD undertakes, there will invariably be information contained within either the tender or contract documents which, if released into the public domain, could compromise National Security, the security of those who work for or with us, the capability and effectiveness of our Armed Forces, or the legitimate commercial interests of both the MOD and those we contract with.

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The MOD has therefore agreed a number of concessions with the Efficiency Reform Group and Her Majesty's Treasury regarding the application of Transparency to MOD contractual activities, these

concessions will be reviewed in 12 months and include an exemption to publication Warlike Stores as defined in [EC Council List of Items Defining The Scope Of Article 346 of the Treaty for the Functioning of the European Union](#) and the redaction of any information deemed 'Military technical sensitive information' where disclosure might expose UK military and civilian personnel, or those employed by the UK government, or our coalition partners and allies to potential personal risk of serious injury or loss of life. Guidance on how these concessions will be applied to MOD procurement and contracting activities will shortly be published on the MOD Acquisition Operating Framework (AOF) Commercial Toolkit and will appropriately reduce the amount of material we make public.

The key principles which apply to publication under the Freedom of Information (FOI) Act are the underpinning criteria for redaction or exemption from publication under the Transparency agenda and the [MOD FOI Act 2000 Guidance Notes](#) published under the Freedom of Information Topic on the MOD AOF Commercial Toolkit give information on these. Where we do publish tender and contract material we may make limited redactions in accordance with the published guidance in order to comply with existing law and for the protection of national security. As with release of data under the FOI Act, responsibility for the ultimate decision regarding publication of tender and contract information under the transparency agenda rests with the MOD.

I would be grateful if you would pass a copy of my letter onto your members.

Mike Greatwich
Director Commercial Services