



Foreign &  
Commonwealth  
Office

**Commercial & Procurement Group**  
Foreign and Commonwealth Office  
Old Admiralty Building  
London SW1A 2PA

Website: <https://www.gov.uk>

05 August 2015

Dear,

**FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0689-15**

Thank you for your email of 13<sup>th</sup> July asking for information under the Freedom of Information Act (FOIA) 2000. You asked-

*For each year stated below:*

1. *How many legal challenges (i.e. written letters) were received pertaining to the Department's tendering activity?*
2. *How many of these legal challenges were issued by an economic operator, as opposed to a lawyer/solicitor acting for the economic operator?*
3. *How many of these legal challenges were issued by a third party/non-economic operator, such as a trade association, a concerned citizen etc.?*
4. *How many of these legal challenges were issued stating that an application for judicial review would be made (i.e. pre-action)?*
5. *How many of these legal challenges led to a full application for judicial review (i.e. application made to the Court)?*

- 2009:
- 2010:
- 2011:
- 2012:
- 2013:
- 2014:
- 2015 to date:

I am writing to confirm that we have now completed the search for the information which you requested and can confirm that the Foreign and Commonwealth Office (FCO) does hold information relevant to your request.

We are only able to provide data as far back as 2011, data prior to this could only be provided at disproportionate cost. The FCO has received the following numbers of legal challenges (i.e. written letters) pertaining to its commercial tendering activity broken down by year.

2011	<b>0</b>
2012	<b>1</b>
2013	<b>2</b>
2014	<b>2</b>
2015	<b>1</b>

Each of these challenges was issued by the economic operator, rather than legal representation acting on their behalf. None were issued by third parties as you've described e.g. trade associations.

There were no legal challenges (i.e. written letters) issued in any year leading to a Judicial Review and none stating in advance that such an application would be made.

In almost all cases, through dialogue and correspondence with the economic operator, the FCO was able to resolve the issues without a formal legal claim being made. The one exception where a formal legal claim was raised was resolved and discontinued before reaching court.

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Yours sincerely,

Commercial & Procurement Group



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