



National Audit Office

The UK's independent public spending
watchdog

Switchboard +44 (0)207 798 7000
Direct Line +44 (0)207 798 7264
Email FOI@nao.org.uk

Reference FOI-1738
Date 21 August 2024

NAO SERVICE DESK CONTRACT

Thank you for your request of 26 July 2024 for information relating to a Service Desk contract held by the National Audit Office (NAO). Your request has been handled under the terms of the Freedom of Information Act 2000 (FOIA). I can confirm that we hold all of the information you requested but we are only able to release part of the information. We have supplied our responses to your questions in **Annex A** of this letter.

While the FOIA provides a legal right of access to recorded information held by a public authority, it can be subject to certain exemptions that may apply. We have withheld the information you requested about contractual performance KPI's under Section 43 - (Commercial Interests) of the FOIA.

We considered the prejudice to both the NAO and our supplier if we were to release KPI information attached to active contracts. There is a risk that releasing this information would prejudice the NAO's ability to negotiate in a commercial environment and attract unique bids on future procurement exercises. In addition, disclosing sensitive information on KPI's which the supplier is benchmarked against, may cause other suppliers to decline a bid on potential future tenders if they felt that we would disclose certain sensitive information under the FOIA.

We have provided the rest of the information requested, and only withheld highly sensitive information which could be useful to existing contract competitors. We recognise that there is a strong public interest in authorities operating with openness and transparency, but the weight of the public interest needs to be balanced against the protection of commercial interests and competition. It would not be in the public interest for competitors to take advantage of sensitive contract information and cause detriment to other suppliers. Further information relating to the application of Section 43 can be found in **Annex B** of this letter.

Our policy is to respond to requests as helpfully and promptly as possible. I therefore hope you are happy with the way we have handled your request. If you are not happy with this response, you can ask for an internal review within 40 working days by writing to the NAO FOI Team at FOI@nao.org.uk.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The primary way of escalating your concerns to the Information Commissioner is at: <https://ico.org.uk/foicomplaints>.

Yours sincerely,

NAO FOI Team

157-197 Buckingham Palace Road, Victoria, London SW1W 9SP
020 7798 7000 www.nao.org.uk



Cert No. 8835

ISO 14001

Annex A

1. What are the contractual performance KPIs for this contract?

This information has been exempted using FOI exemption Section 43 (Commercial Interests)

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

The NAO issued a further competition exercise inviting suppliers on the Crown Commercial Service, Technology Services 3 Framework to submit a bid. We received bid responses from the following three suppliers:

- a. XMA Ltd (successful supplier)
- b. Little Fish (UK) Limited (unsuccessful supplier)
- c. Bramble Hub Ltd (unsuccessful supplier)

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

Contract spend to date is £1,033,708.77.

4. Start date and duration of the framework/contract.

The contract started on 1st November 2022 for an initial period of 3 years to 31st October 2025.

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

Please refer to the attached copy of the NAO Volume 2 Requirement.

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

- Crown Commercial Service, Technology Services 3 Framework
- Lot 3a: Operational Services - End User Services
 - Lot 3b: Operational Services - Operational Management
 - Lot 3c: Operational Services - Technical Management
 - Lot 3d: Operational Services - Application and Data Management

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

There is an option to extend for two periods, 12 months each.

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

No decision yet as the contract is still active for another 14 months.

9. 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)?

It is too early to make this decision yet. Re-tendering will take place in 2026-27 if both extensions are exercised.

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

Director for Digital Services

Annex B

This annex sets out the exemptions that we have applied to your request.

Section 43 – Freedom of Information Act 2000 - commercial interests

Section 43 of the Freedom of Information Act 2000 (FOIA) provides that:

(1) Information is exempt information if it constitutes a trade secret.

(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

(3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2).