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18 April 2023

Dear [REDACTED]

RE: SCCL-FOI-2022/23-70

Thank you for your FOI request received by the FOI office, requesting a copy of the POA11002261 document issued on 12 June 2020 for FFP3 Face mask with valve and corresponding contract details (including award date and total amount).

Your request has been handled as a request for information under the Freedom of Information Act 2000 and we are able to provide a reply to your request.

Due to the urgent circumstances to secure supply these items were purchased under Emergency Purchases under Regulation 32 (2) (c) therefore there are no contract documents relating to these products.

Please find a screen shot of the PO in question, we are unable to provide this in the format normally issued as it has now been archived.

View Purchase Orders

Resus PO Num: **A11002261** SaaS PO Num: Source PO Date: 21062010 Resus PO Migration: N

Operating Unit: NHS Supply Chain OU Created: 12-JUN-2020

PO, Rev: 121718965 2 Type: Standard Purchase Order

Supplier: OPTIMUM MEDICAL SOLUTION Site: LEEDS

Ship-To: ALFRETON-NHS Bill-To: ALFRETON-NHS

Buyer: Support, Rise Status: Approved, Closed

Contact: Currency: GBP Total: 4820000

Comments:

Line	Item	Shipmt Num	Type	Rev	Description	UCM	Quantity	Price	Vendor Product Num	Amount	Promised Date	Ordered	Reced	Canceled	Billed
1	1		Goods		MASK FACE RESPIRATOR FFP3 WITH VALVE	Each			HY9632	4820000	21-NOV-2020				

Item: MASK FACE RESPIRATOR FFP3 WITH VALVE Conversion Factor: 1

Supply Chain Coordination Limited (SCCL) confirms it does hold the information requested, however, after careful consideration, it has been decided that NPC numbers, quantity and unit price are exempt from disclosure under Section 43(2) (Commercial Interests) of the FOI Act. This provides that information can be withheld where disclosure would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

The data we can share, attached as an excel spreadsheet, includes corresponding PO numbers, PO issue dates, NPC description and total price of product (excluding transport cost).

SCCL can also share that due to the urgent circumstances to secure supply these items were purchased as Emergency Purchases under Regulation 32 (2) (c) therefore there are no contract documents relating to these products.

It is acknowledged that the statutory exemption provided by section 43 of the FOIA requires SCCL to consider the public interest for and against disclosure of the requested information. SCCL has considered the public interest arguments for and against disclosure of information to which the exemption provided by section 43 of the FOIA applies.

In conclusion, notwithstanding the strong public interest in public authorities ensuring accountability and transparency, the following public interest factors apply in the case of the requested information covered by section 43 of the FOIA:

1. SCCL, contracting NHS trusts and third-party contracting bodies have legitimate commercial interests in ensuring that the terms by which they are able to operate (including the manner in which they contract) are optimal, particularly in the current economic climate. NPC numbers are exempt as they could provide information related to the pricing of products. Supplier pricing is derived either under tender conditions or subsequent price competitions (mini-competitions, e-auctions etc.) and conducted under controlled, confidential processes
2. To release a copy of this data would:
 - a. damage commercial relations between the Trust and/or SCCL and its suppliers.
 - b. adversely impact on SCCL's ability to manage its relationship with both the relevant external suppliers and NHS trusts.
 - c. adversely impact on SCCL/NHS Supply Chain's ability to achieve best value solutions with its suppliers, who may be constrained in offering those solutions should they be at risk of disclosure under FOIA.

It is not in the public interest to prejudice any of SCCL/NHS Supply Chain, relevant NHS trusts and relevant supplier commercial interests at the expense of disclosure which is likely to damage commercial relations and adversely impact on our ability to manage our relationships and any future tenders.

If you are dissatisfied with this response, you may request an independent internal review of our handling of your request by submitting a complaint within two months to the postal or e-mail addresses above, quoting the reference number above. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the handling of your information request will be reassessed by a member of SCCL staff who was not involved in providing you with this response. If you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

If you require any further information do not hesitate to contact the FOI team.

Yours sincerely,

FOI Team

Supply Chain Coordination Limited
Management Function of NHS Supply Chain