

## Supply of Veeam Licensing Renewal

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Reference Number: RDF2243-24

Date of Response: 23/01/24

Further to your Freedom of Information Act request, please find the Trust's response(s) below:

Please be aware that the Royal Devon University Healthcare NHS Foundation Trust (Royal Devon) has existed since 1<sup>st</sup> April 2022 following the integration of the Northern Devon Healthcare NHS Trust (known as Northern Services) and the Royal Devon and Exeter NHS Foundation Trust (known as Eastern Services).

*I am writing to you under the Freedom of Information Act 2000 to request the following information*

*Copy of successful tender for the Supply of Veeam Licensing Renewal*

1. *Scoring table of all bidders, split by scores awarded for each question of bid*

Answer: The Trust holds this information. This information is commercially sensitive and its release would, or would be likely to prejudice the commercial interests of the Trust.

In applying the exemption under Section 43(2) the Freedom of Information Act the Trust has balanced the public interest in withholding the information against the public interest in disclosure. The Trust has considered all the relevant factors in the public interest test and concluded that the benefit to the public in applying the exemption outweighs the public interest in releasing the information requested as a result of the prejudices and losses that would potentially affect the Trust and patients.

As such this information is being withheld under Section 43 (2) because releasing the costs of contracts would give potential suppliers an unfair advantage over other bidders when bidding for future work. That advantage would contravene the principle of fairness required from the Trust in Regulation 18 of the Public Contracts Regulations 2015. The release of tender scores would undermine the Trust's suppliers' competitiveness in the market.

2. *Price/Cost Proposed by each Bidder – we want this information for all the bidders who submitted the response.*

Answer: The Trust holds this information. This information is commercially sensitive and its release would, or would be likely to prejudice the commercial interests of the Trust.

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As such this information is being withheld under Section 43 (2) because releasing the costs of contracts would give potential suppliers an unfair advantage over other bidders when bidding for future work. That advantage would contravene the principle of fairness required from the Trust in Regulation 18 of the Public Contracts Regulations 2015. The release of contract values would undermine the Trust's suppliers' competitiveness in the market and breach the Trust's contracts with suppliers, which typically require contract values to be kept confidential.

**3. *Name of the Winning Bidder.***

Answer: Phoenix Software.

**4. *Name & Rank of all bidders who submitted responses.***

Answer: The Trust holds this information. This information is commercially sensitive and its release would, or would be likely to prejudice the commercial interests of the Trust.

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As such this information is being withheld under Section 43 (2) because releasing the costs of contracts would give potential suppliers an unfair advantage over other bidders when bidding for future work. That advantage would contravene the principle of fairness required from the Trust in Regulation 18 of the Public Contracts Regulations 2015. The release of tender ranking and therefore competitiveness would undermine the bidding suppliers' competitiveness in the market.

**5. *Approximate date that the tender will be reissued towards the end of the current contract period.***

Answer: The contract is planned for re-issue in December 2026, tendering would normally begin a few months before then.