

Our Reference: FOI.2022.04.173

**UNIVERSITY OF  
BIRMINGHAM**

Legal Services

**Director  
Mrs N Cárdenas Blanco  
Solicitor**

Hugh J Bainbridge  
What do they know

(By Email)

24 May 2022

Dear Mr Bainbridge

**Re: request for information under The Freedom of Information Act.**

Further to your request for information dated 26 April 2022, please find attached the University of Birmingham's response. If you have any queries with regard to this letter, please do not hesitate to contact us.

Please note our statement in respect of Copyright, which is also attached.

If you are dissatisfied with the manner in which your request has been dealt with, you may ask for an internal review. The University's Complaints and Appeals procedure is available at

<http://www.birmingham.ac.uk/university/governance/policies-regs/information/index.aspx>

Yours sincerely

Freedom of Information Team  
University of Birmingham

Encs

**Your request for information reads:**

*Contract for the supply and installation of Leica M205 C & Leica M125 C Microscopes to the University of Birmingham:*

<https://www.contractsfinder.service.gov.uk/Notice/770713e9-d818-48c1-83f4-ee75f07b9995>

*The details we require are:*

- *What are the contractual performance KPI's for this contract?*
- *Suppliers who applied for inclusion on each framework/contract and were successful & not successful at the PQQ & ITT stages*
- *Actual spend on this contract/framework (and any sub lots), from the start of the contract to the current date*
- *Start date & duration of framework/contract?*
- *Could you please provide a copy of the service/product specification given to all bidders for when this contract was last advertised?*
- *Is there an extension clause in the framework(s)/contract(s) and, if so, the duration of the extension?*
- *Has a decision been made yet on whether the framework(s)/contract(s) are being either extended or renewed?*
- *Who is the senior officer (outside of procurement) responsible for this contract?*

**The University of Birmingham responds:**

The University of Birmingham is required to respond to a request made under the Freedom of Information Act 2000 ("the Act") if it holds the information being requested, unless it is appropriate to apply one of the limited exemptions set out in the Act.

The Refusal Notice below explains why the University is not providing any information relevant to this request

**Refusal Notice**

Reasons for non-disclosure

**Section 14 – Freedom of Information Act 2000 – Vexatious Requests**

Your request for information does not appear to have any clear public interest purpose. Your request seems to be a commercial request seeking details in order to sell goods or services. Without clear public interest the University considers commercial requests vexatious in line with the Upper Tribunal ruling which has been upheld by the Court of Appeal <http://www.bailii.org/uk/cases/UKUT/AAC/...>

Paragraphs 35 and 38 outlines that improper use of FOIA (such as where there is no public interest) is a valid consideration when determining if a request is vexatious. Using FOI to gain a commercial advantage or opportunity over another can be included within this definition.

The information requested is withheld from disclosure under Section 14(1) of the Act.

If you do not agree with the University's decision, please advise why you consider publication through FOI is in the public interest as opposed to a commercial purpose. Please be mindful that public interest does not mean "curiosity or desire" for the information nor the private interests of the requestor. Its meaning here is the "public good" therefore before we proceed with your request, we will need to determine there is some purpose which benefits the general public in releasing the information you have requested.

More information is available on the Information Commissioner's Office's website.  
<https://ico.org.uk/>.

It should be noted that details of contracts that have been awarded can be found in "Contracts Finder":

<https://www.contractsfinder.service.gov.uk/Search/Results> and

Upcoming projects are published on the government portal "Find a Tender":  
<https://www.find-tender.service.gov.uk/Search>.

## **The University of Birmingham**

This documentation has been produced in response to a request made under the terms of the Freedom of Information Act 2000.

The copyright in this documentation will be held by the University of Birmingham, a wholly owned subsidiary company of the University, or a third party associated with the University. In the absence of a notice to the contrary, it should be assumed that the copyright is held by the University of Birmingham.

Except as otherwise permitted under the Copyright Designs and Patents Act 1988, and subsequent related legislation, this documentation may only be reproduced, stored or transmitted in any form or means, with the prior permission of the University of Birmingham (or other rights holders).

Enquiries concerning reproduction outside the terms of the legislation should be made to:

Legal Services, The University of Birmingham, Edgbaston, Birmingham B15 2TT

© The University of Birmingham 2022