



26 February 2019
Reference: F0004122

Dear 

Thank you for your request of 30 January 2019, for the release of information held by the Civil Aviation Authority (CAA). Having considered your request in line with the provisions of the Freedom of Information Act 2000 (FOIA), we are able to provide the information below.

1. *Has a contract for the Alpha and Beta phases for implementation of the IT systems for operator registration and remote pilot competency testing been awarded by the CAA?*

Yes – A contract for Alpha has been awarded.

2. *If so, has the contract been awarded to BJSS Ltd following the Discovery phase?*

Yes

3. *If not, will it be awarded to BJSS Ltd?*

See above

4. *If not awarded to BJSS Ltd, would a contract for Alpha and Beta phases be offered on open tender and when?*

Yes, if not awarded to BJSS.

5. *What is the planned start date and duration of the Alpha and Beta phases?*

Alpha phase commenced on 7 January 2019 for a period of 6 weeks.

Beta is scheduled to start on 14 March 2019, subject to the Government Digital System (GDS) spend control process.

Civil Aviation Authority

Aviation House Gatwick Airport South Gatwick RH6 0YR. www.caa.co.uk

Telephone: 01293 573135. foi.requests@caa.co.uk

6. *Are the contract terms available for inspection? Is so from whom?*

The contract terms used are the crown commercial service g-cloud 9 framework agreement dated 8th May 2017, framework reference RM1557ix. A copy of these terms and conditions are available from the crown commercial services website.

7. *What was the contract price of the winning bid for Alpha and Beta phases?*

The disclosure of detailed information regarding the contractual agreement between the CAA and BJSS Ltd would be likely to prejudice the commercial relationship between us. Also, the disclosure of the information requested would give competitors insight into the commercial practices of both parties and would be likely to prejudice the negotiating position of each organisation in entering into future contracts in a competitive environment. Under Section 43(2) of the FOIA, information is exempt information if its disclosure would, or would be likely to, prejudice the commercial interests of any person.

As this is a qualified exemption, we have also considered whether, in all the circumstances of the case, the public interest in withholding the information outweighs the public interest in disclosing the information.

The public interest in disclosing the information includes transparency and open government, the public right of access to information held, and demonstrating the effectiveness of the procurement process. However, there is a strong public interest in ensuring that organisations are able to compete fairly, that the commercial relationship between the organisations concerned is not harmed, and that the type of prejudice the exemption is intended to protect against is not caused unnecessarily.

The CAA recognises the public interest factors in relation to the disclosure of this information. However, in all the circumstances of the case the CAA has concluded that the public interest in disclosure is outweighed by the public interest in maintaining the exemption and the information has therefore been withheld under Section 43(2) (a copy of this exemption can be found below).

8. *Does the contract price include for any equipment necessary for operation of the IT systems?*

These costs will be covered in the Beta phase of the project and will be subject to the GDS spend control process.

9. *If not, what is the estimated additional cost of operating and maintaining the IT systems?*

These costs will be covered in the Beta phase of the project and will be subject to the GDS spend control process.

10. *what is the estimated annual cost of operating and maintaining the IT systems?*

These costs will be covered in the Beta phase of the project and will be subject to the GDS spend control process.

11. *Does the contract award include for penalty clauses should there be a failure to meet specifications and/or implementation dates? If so, what are they?*

Yes, specific clauses are agreed as part of the contract. However, the CAA considers that the details of this aspect of the contractual agreements between the CAA and BJSS Ltd is exempt from disclosure for the same reasons as question 7 above.

12. *If successful implementation to an agreed specification is not satisfactorily completed by the “go live” date of 1st October 2019 and prior to becoming a legal requirement on 30th November 2019 will dispensations be given to operators? If so for how long will such dispensations apply?*

At this stage of the project, this is not currently recorded information.

13. *Are the specifications for operator registration and competency testing publicly available? If so, how may a copy be obtained and from where?*

At this stage of the project, this is not currently recorded information.

14. *It is understood that charges will be levied on operators for registration and competency testing. What are these proposed charges? On what basis have they been calculated?*

At this stage of the project, this is not currently recorded information. However, the CAA will be conducting a consultation on its proposed charging scheme in due course.

15. *Please confirm that such charges will be levied on a repeatable fixed time interval period of three years. At the time of renewal will the competency test have to be retaken.*

At this stage of the project, this is not currently recorded information.

16. *To which other Government or official authorities will the information held on the IT systems be made available?*

At this stage of the project, this is not currently recorded information.

17. *Under what conditions will any information be released to such organisations (noted above).*

At this stage of the project, this is not currently recorded information.

If you are not satisfied with how we have dealt with your request in the first instance you should approach the CAA in writing at:-

Caroline Chalk
Head of External Information Services
Civil Aviation Authority
Aviation House
Gatwick Airport South
Gatwick
RH6 0YR

caroline.chalk@caa.co.uk

The CAA has a formal internal review process for dealing with appeals or complaints in connection with Freedom of Information requests. The key steps in this process are set in the attachment.

Should you remain dissatisfied with the outcome you have a right under Section 50 of the FOIA to appeal against the decision by contacting the Information Commissioner at:-

Information Commissioner's Office
FOI/EIR Complaints Resolution
Wycliffe House
Water Lane
Wilmslow
SK9 5AF
<https://ico.org.uk/concerns/>

If you wish to request further information from the CAA, please use the form on the CAA website at <http://publicapps.caa.co.uk/modalapplication.aspx?appid=24>.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Stevens'.

Mark Stevens
External Response Manager

CAA INTERNAL REVIEW & COMPLAINTS PROCEDURE

- The original case to which the appeal or complaint relates is identified and the case file is made available;
- The appeal or complaint is allocated to an Appeal Manager, the appeal is acknowledged and the details of the Appeal Manager are provided to the applicant;
- The Appeal Manager reviews the case to understand the nature of the appeal or complaint, reviews the actions and decisions taken in connection with the original case and takes account of any new information that may have been received. This will typically require contact with those persons involved in the original case and consultation with the CAA Legal Department;
- The Appeal Manager concludes the review and, after consultation with those involved with the case, and with the CAA Legal Department, agrees on the course of action to be taken;
- The Appeal Manager prepares the necessary response and collates any information to be provided to the applicant;
- The response and any necessary information is sent to the applicant, together with information about further rights of appeal to the Information Commissioners Office, including full contact details.

Freedom of Information Act : Section 43

(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).