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Award

## **Support of ALE 47 AND M147 Counter Measure Dispensing Systems (CMDs)**

Ministry of Defence

F15: Voluntary ex ante transparency notice

Notice identifier: 2022/S 000-005635

Procurement identifier (OCID): ocds-h6vhtk-031c9f

Published 1 March 2022, 10:45pm

### **Section I: Contracting authority/entity**

#### **I.1) Name and addresses**

Ministry of Defence

Bristol

#### **Email**

[matthew.rowan101@mod.gov.uk](mailto:matthew.rowan101@mod.gov.uk)

#### **Country**

United Kingdom

#### **NUTS code**

UKK1 - Gloucestershire, Wiltshire and Bristol/Bath area

#### **Internet address(es)**

Main address

<https://des.mod.uk/>

## **I.4) Type of the contracting authority**

Ministry or any other national or federal authority

## **I.5) Main activity**

Defence

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

Support of ALE 47 AND M147 Counter Measure Dispensing Systems (CMDS)

#### **II.1.2) Main CPV code**

- 50000000 - Repair and maintenance services

#### **II.1.3) Type of contract**

Services

#### **II.1.4) Short description**

The through-life support of ALE-47 and M-147 Counter Measure Dispensing Systems (CMDS) fitted to the following platforms: Chinook (all marks), C-130, Puma and Merlin Mk.2 and Mk.4 aircraft.

#### **II.1.6) Information about lots**

This contract is divided into lots: No

#### **II.1.7) Total value of the procurement (excluding VAT)**

Value excluding VAT: £5,000,000

## **II.2) Description**

### **II.2.3) Place of performance**

NUTS codes

- US - United States

### **II.2.4) Description of the procurement**

Repair, Maintenance, Technical Engineering Support and associated Spares Provision.

### **II.2.5) Award criteria**

Price

### **II.2.11) Information about options**

Options: Yes

Description of options

Two (2) one (1) year options.

### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

## Section IV. Procedure

### IV.1) Description

#### IV.1.1) Type of procedure

Negotiated procedure without publication of a contract notice

- The products involved are manufactured purely for the purpose of research, experiment, study or development
- The works, supplies or services can be provided only by a particular economic operator for the following reason:
  - absence of competition for technical reasons

Explanation:

Air Platform Systems Delivery Team, part of the Ministry of Defence (“the Authority”), intends to enter into a contract with BAE Systems Ltd (“BAE”) for the through-life support of ALE-47 and M-147 Counter Measure Dispensing Systems (CMDs) (“the Contract”) including repair, maintenance, technical engineering support and associated spares provision. This equipment for which BAE is the original equipment manufacturer and design authority is fitted to the following platforms: Chinook (all marks), C-130, Puma and Merlin Mk.2 and Mk.4 aircraft. The length of the new contract will be three years with two additional individual option years (3+1+1). The approximate value of the Contract is estimated to be £5 million ex VAT including the exercise of the option years.

In accordance with regulation 4 of The Defence and Security Public Contracts (Amendment) (EU Exit) Regulations 2019 (SI 2019/697) this procurement falls to be regulated under the provisions of the Defence and Security Public Contracts Regulations 2011 as amended (in particular by SI 2019/697 and SI 2020/1450). Prior publication of a contract notice in the Official Journal of the European Union is no longer appropriate. It is considered that the award of the contract without prior publication of a contract notice in the UK e-notification service (in accordance with the relevant legislation) is lawful in accordance with Regulation 16(1)(a)(ii) of the DSPCR 2011 on the basis that BAE alone can carry out the services under it for technical reasons.

As Design Authority, only BAE have the accumulated technical expertise and technical know-how at its disposal required to support this equipment. This includes the intimate knowledge and understanding of the existing equipment used across the various platforms and to provide the required services.

Secondly only BAE can provide certification of the safety and interoperability of the repaired and maintained equipment and safety and security accreditation requirements where necessary to the reasonable satisfaction of the Authority.

Furthermore no other contractor other than BAE can reasonably provide the services and ancillary spares and supplies where relevant as to do otherwise would create disproportionate technical difficulties in the operation and maintenance of the existing equipment and potential unacceptable interoperability risks between all such existing and new equipment both per platform and between platforms and would cause significant inconvenience and substantial duplication of costs for the Authority.

#### **IV.1.8) Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: No

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### **Section V. Award of contract/concession**

#### **Contract No**

701579453

#### **Title**

Support of ALE 47 AND M147 Counter Measure Dispensing Systems (CMDS)

A contract/lot is awarded: Yes

#### **V.2) Award of contract/concession**

##### **V.2.1) Date of conclusion of the contract**

23 February 2022

##### **V.2.2) Information about tenders**

The contract has been awarded to a group of economic operators: No

##### **V.2.3) Name and address of the contractor/concessionaire**

BAE SYSTEMS INFORMATION AND ELECTRONIC SYSTEMS INTEGRATION INC.

Austin

Country

United States

NUTS code

- US - United States

The contractor/concessionaire is an SME

No

#### **V.2.4) Information on value of contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession: £5,000,000

#### **V.2.5) Information about subcontracting**

The contract/lot/concession is likely to be subcontracted

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## **Section VI. Complementary information**

### **VI.4) Procedures for review**

#### **VI.4.1) Review body**

DE&S

MOD Abbey Wood

Bristol

BS34 8JH

Country

United Kingdom