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Award

## **Modification of the FAAM Atmospheric Research Aircraft (ARA) via Mid Life Upgrade.**

University of Leeds

F15: Voluntary ex ante transparency notice

Notice identifier: 2022/S 000-007342

Procurement identifier (OCID): ocds-h6vhtk-032348

Published 17 March 2022, 4:14pm

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

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

University of Leeds

Purchasing Office, 1 - 3 Lifton Villas, Lifton Place

Leeds

LS2 9JZ

#### **Contact**

Maggie Whitworth

#### **Email**

[m.a.whitworth@adm.leeds.ac.uk](mailto:m.a.whitworth@adm.leeds.ac.uk)

#### **Telephone**

+44 1133431810

**Country**

United Kingdom

**NUTS code**

UKE42 - Leeds

**Internet address(es)**

Main address

<https://www.leeds.ac.uk>

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

Body governed by public law

**I.5) Main activity**

Education

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## **Section II: Object**

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

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

Modification of the FAAM Atmospheric Research Aircraft (ARA) via Mid Life Upgrade.

Reference number

2021 306

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

- 50210000 - Repair, maintenance and associated services related to aircraft and other equipment

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

Services

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

Services for Atmospheric Research Aircraft. Provision of Mid Life Modification Upgrade services - the BAe 146 301 aircraft, serial number E3001

#### **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: £30,000,000

### **II.2) Description**

#### **II.2.2) Additional CPV code(s)**

- 50211100 - Aircraft maintenance services

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

NUTS codes

- UKJ37 - North Hampshire

Main site or place of performance

North Hampshire

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

This is a voluntary ex ante transparency (VEAT) notice, indicating that the University of Leeds (UoL) intends to contract with BAE Systems (Operations) Ltd., for modification services for the Atmospheric Research Aircraft (ARA). BAE Systems (Operations) Ltd adapted this ARA for research purposes and provides ongoing operational and maintenance services pursuant to an existing contract entered into on 15 April 2019. These services, that are the subject of this new contract, relate to critical upgrades that are required to ensure the ARA is fit for purpose for up to the next two decades. The various services that are to be provided will include modification and upgrades to aircraft, aircraft systems and supported scientific systems.

The value of the modification work is likely to be up to £30m (excluding taxes) over a planned 5 year period starting in 2022

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

Options: No

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

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

### **II.2.14) Additional information**

The existing contract was published in the OJEU 2019/S 024 053759.

The services will predominantly be carried out at the aircraft's Home Base and at BAE Systems (Operations) Ltd., where the support contract for the aircraft is managed although it is likely that such services may be carried out elsewhere as well.

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## Section IV. Procedure

### IV.1) Description

#### IV.1.1) Type of procedure

Negotiated without a prior call for competition

- 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:

The University of Leeds has considered that this requirement can be placed using the negotiated procedure without prior publication of the contract notice pursuant to Article 31 of Directive 2014/24/EU and regulation 32(b) of the Public Contract Regulations 2015: when, for technical reasons, or for protection of exclusive rights, the contract can be awarded to a particular economic operator (BAE Systems).

The Atmospheric Research Aircraft (msn 3001) is a unique aircraft type (BAE 146-301) whose type certificate is held by BAE Systems (Operations) Limited. BAE Systems adapted the aircraft for special atmospheric research use by the UK Natural Environmental Research Council (NERC) between 2000 and 2003 and continues to have responsibility for configuration control of the aircraft and all major adaptations to it pursuant to an existing agreement with the University of Leeds. It therefore has a unique understanding of its operational characteristics, support requirements and modification status.

The research aircraft contains extremely complicated scientific equipment and is highly modified. As such, any service provider carrying out further modifications will need to be extremely familiar with the specific scientific equipment and those modifications already in place. The research aircraft has an adapted BAE 146-301 airframe and so any service provider will need to hold relevant intellectual property rights relating thereto and have the technical expertise and the intellectual property rights required to provide further modification services on an already heavily modified airframe.

The University of Leeds considers that only the Contractor has the technical knowledge to provide the modifications that are now required. In addition, the Contractor benefits from intellectual property rights to the research aircraft which it could not reasonably be expected to assign to a third party contractor without disclosing commercially confidential information. The Contractor is therefore the only viable contractor to provide these highly

specialist upgrades and modifications.

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

The procurement is covered by the Government Procurement Agreement: Yes

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

A contract/lot is awarded: Yes

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

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

15 March 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 (Operations) Limited

Warwick House,, PO BOX 87, Farnborough Aerospace Centre

Farnborough

GU14 6YU

Email

[Julie.cowser@baesystems.com](mailto:Julie.cowser@baesystems.com)

Country

United Kingdom

NUTS code

- UKJ37 - North Hampshire

National registration number

01996687

The contractor/concessionaire is an SME

No

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

Initial estimated total value of the contract/lot/concession: £30,000,000

Total value of the contract/lot/concession: £30,000,000

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

The contract/lot/concession is likely to be subcontracted

Value or proportion likely to be subcontracted to third parties

Value excluding VAT: £7,500,000

Proportion: 25 %

Short description of the part of the contract to be subcontracted

Sub-contracted elements will include management of major and minor modification services and implementation of approved design authority modifications. BAE are designated and registered holders of CAA certification approvals and 146/ARA OEM.

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## Section VI. Complementary information

### VI.3) Additional information

To view this notice, please click here:

<https://neupc.delta-esourcing.com/delta/viewNotice.html?noticeId=627716725>

Main Site or Place of Performance:

UKJ37 BAE Systems (Operations) Limited a company registered in England and Wales (Company registered number 01996687) whose registered office is at Warwick House, PO Box 87, Farnborough Aerospace Centre, Farnborough, Hants GU14 6YU, having a place of business at Building 37, Prestwick International Airport, Prestwick KA9 2RW.

Type of Procedure:

Negotiated Procedure without prior publication (in accordance with Article 32 of Directive 2014/24/EU) and in accordance with the UK Public Contracts Regulations 2015 Regulation 32.

To view this notice, please click here:

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GO Reference: GO-2022317-PRO-19812454

### VI.4) Procedures for review

#### VI.4.1) Review body

High Courts of England & Wales

Strand

London

Country

United Kingdom

#### VI.4.2) Body responsible for mediation procedures



Centre for Effective Dispute Resolution

International Dispute Resolution Centre, 70 Fleet Street

London

EC4Y 1EU

Country

United Kingdom

**VI.4.4) Service from which information about the review procedure may be obtained**

High Courts of England and Wales

Strand

London

Country

United Kingdom