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## **Non-Daily Metered Sampling Read Service Provision (NDMSP) 2023**

XOSERVE LIMITED

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-007916

Procurement identifier (OCID): ocds-h6vhtk-03b414

Published 17 March 2023, 5:10pm

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

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

XOSERVE LIMITED

Lansdowne Gate,65 New Road

SOLIHULL

B913DL

#### **Contact**

Procurement Team

#### **Email**

[xoserve.commercial@xoserve.com](mailto:xoserve.commercial@xoserve.com)

#### **Country**

United Kingdom

#### **Region code**

UKG32 - Solihull

**Companies House**

5046877

**Internet address(es)**

Main address

<http://www.xoserve.com>

**I.6) Main activity**

Other activity

Central Data Services Provider (CDSP) for GB gas industry

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## Section II: Object

### II.1) Scope of the procurement

#### II.1.1) Title

Non-Daily Metered Sampling Read Service Provision (NDMSP) 2023

Reference number

2023.002.00

#### II.1.2) Main CPV code

- 72300000 - Data services
  - KA06 - For the gas industry

#### II.1.3) Type of contract

Services

#### II.1.4) Short description

The contract appoints an economic operator for Non-Daily Metered Sampling Read Service Provision (NDMSP) 2023 for three (3) years from 1 April 2023.

The detailed parameters of the NDMSP can be found under the Uniform Network Code (UNC) Transportation Principal Document (TPD) Section H 1.6 (NDM Sampling), which can be found at [www.gasgovernance.co.uk](http://www.gasgovernance.co.uk).

Compliance with the UNC is a regulatory obligation under the utilities' gas transporter licences granted (or treated as granted) under the Gas Act 1986, section 7.

The existing contracts in place for NDMSP for Cadent Gas Limited, Northern Gas Networks Limited and Wales & West Utilities (the Utilities) will expire on 31 March 2023, and the Utilities have a legal obligation to ensure that the regulatory requirement for NDMSP will continue to be met from 1 April 2023.

With effect from 1 April 2023, Xoserve Limited (Xoserve) will fulfil the NDMSP obligation on behalf of the Utilities. The economic operator will therefore contract with Xoserve rather than the Utilities directly. Xoserve is a not-for-profit entity funded, governed and owned by the gas industry, which includes the Utilities.

#### II.1.6) Information about lots

This contract is divided into lots: No

## **II.2) Description**

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

NUTS codes

- UKC - North East (England)
- UKD - North West (England)
- UKE - Yorkshire and the Humber
- UKF - East Midlands (England)
- UKG - West Midlands (England)
- UKH - East of England
- UKI - London
- UKK - South West (England)
- UKL - Wales

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

This procurement is to appoint a new economic operator for the Non-Daily Metered Sampling Read Service Provision (NDMSP) to ensure the continuity of the provision of daily read data from a defined sampling portfolio of Non-Daily Metered sites within the gas distribution networks operated by Cadent Gas Limited, Northern Gas Networks Limited and Wales & West Utilities, and to manage those portfolios to maintain the required coverage across each End User Category (EUC) Band and Local Distribution Zone (LDZ).

The detailed parameters of the NDMSP can be found under the Uniform Network Code (UNC) Transportation Principal Document (TPD) Section H 1.6 (NDM Sampling), which can be found at [www.gasgovernance.co.uk](http://www.gasgovernance.co.uk)

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

Options: No

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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:

On 30 August 2022, Xoserve (on behalf of the Utilities) launched a procurement for the new NDMSP contract under notice 2022/S 000-024117, using the negotiated procedure with prior call for competition.

This procurement was based on information available prior to making the call for competition regarding the technology architecture requirements. During the procurement process, changes to these requirements meant that the basis on which the overall requirements had been drafted was no longer correct. The Utilities therefore reviewed the procurement and concluded that the change in circumstances would have affected bidders' decisions as to whether (or not) to participate in the procurement, and the preparation of their tenders. The Utilities therefore considered that the procurement would need to be re-started and issued a notice to discontinue the procurement on 13 February 2023 with reference 2023/S 000-004329.

As noted previously, the Utilities have a legal and regulatory obligation to ensure that NDMSP will continue from 1 April 2023 after the existing contract expires on 31 March 2023. It is the Utilities' understanding, based on information received during the original procurement, that: (a) this deadline can only be achieved if the successful bidder can integrate with the existing technology architecture; and (b) this integration cannot be achieved in the required timescales, except by the named economic operator.

The Utilities therefore consider that, for all relevant purposes, the works, supplies and services under the contract can be supplied only by the economic operator named, that competition is absent for technical reasons, and that there is no reasonable alternative or substitute. The Utilities therefore intend to award the contract to the named economic operator under the negotiated procedure without prior call for competition, under UCR, regulation 50(1)(c)(ii).

#### **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**

2023.002.00

### **Title**

Non-Daily Metered Sampling Read Service Provision (NDMSP) 2023

A contract/lot is awarded: Yes

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

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

17 March 2023

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## **Section VI. Complementary information**

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

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

Xoserve Limited

Lansdowne Gate,65 New Road

SOLIHULL

B91 3DL

Country

United Kingdom