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Award

Mobilising System Replacement Contract

Leicestershire Fire and Rescue Service

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-009499

Procurement identifier (OCID): ocds-h6vhtk-03b7d0

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Section I: Contracting authority/entity

I.1) Name and addresses

Leicestershire Fire and Rescue Service

12 Geoff Monk Way

Leicester

LE4 3BU

Contact

Roger Smith

Email

roger.smith@leics-fire.gov.uk

Telephone

+44 1162105555

Country

United Kingdom

Region code

UKF22 - Leicestershire CC and Rutland

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

<https://leics-fire.gov.uk/>

I.4) Type of the contracting authority

Body governed by public law

I.5) Main activity

Public order and safety

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Mobilising System Replacement Contract

II.1.2) Main CPV code

- 35710000 - Command, control, communication and computer systems

II.1.3) Type of contract

Supplies

II.1.4) Short description

Leicestershire Fire and Rescue ("the Authority") awarded a contract for the delivery of a mobilising solution and associated support and maintenance services ("Services") to Systel SA ("Systel") ("the Contract"). The initial term of the Contract expires on 31 October 2024 and there is an ability to extend beyond the initial term by up to 2 further years, up to 31 October 2026 which has not and will not be exercised by the Authority.

Systel has been placed into administration in France and has applied to the French courts for protection which could allow Systel to renegotiate unprofitable contracts or parts thereof.

The Services represent critical infrastructure to enable the Authority to discharge its statutory duties under the Fire and Rescue Services Act 2004. Any disruption to the Services would pose significant issues for the Authority and could impact the safety of the public.

Whilst Systel has not exercised the right to terminate the whole of the Contract, it has sought to renegotiate its terms. The Authority considers there is significant risk on the reliability of the availability of the Contract and the ability for Systel to perform the Services.

The Authority does not consider it can continue with the existing arrangements with Systel beyond 31 October 2024. This is for the reasons set out in this notice and in light of the Authority being made aware of Scottish Fire and Northern Ireland Fire also sharing similar concerns to the Authority and taking action to terminate the high-value contracts they hold with Systel following being made aware of its administration status.

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: £4,500,000

II.2) Description

II.2.3) Place of performance

NUTS codes

- UKF2 - Leicestershire, Rutland and Northamptonshire

II.2.4) Description of the procurement

The Authority intends to procure a complete mobilising solution from Motorola Solutions UK LTD. This will be provisioned via a tenancy on the Motorola platform.

II.2.5) Award criteria

Quality criterion - Name: Ability to meet urgent requirements / Weighting: 80%

Price - Weighting: 20%

II.2.11) Information about options

Options: No

II.2.14) Additional information

The Authority, relying on the extreme urgency ground within Regulation 32 of the Public Contracts Regulations 2015 (as amended) ("PCR") intends to award a contract to Motorola Solutions UK LTD for the delivery of the Services for a term of five years with a maximum estimated value of £4,500,000.

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Award of a contract without prior publication of a call for competition in the cases listed below

- The procurement falls outside the scope of application of the regulations

Explanation:

The Authority considers that there is a real risk of Systel imminently ceasing to operate because of its financial position and this has created a situation of extreme urgency to secure an alternative arrangement to mitigate operational and commercial risk. Systel's administration was not foreseeable by the Authority.

Systel currently provides maintenance of infrastructure and software which is critical to the Authority discharging its duties under the Fire and Rescue Services Act 2004 and any disruption/reduction of the Services would impact on this and the safety of the public as it would compromise the Authority's connection to the Airwave network.

In order for mobilisation solutions to be compliant in the UK they need to be using the new, secure communication system (DCS) to connect to the Airwave network by December 2023. Under the Contract Systel, have indicated that the Authority will need to meet the costs of such transition, requiring the further investment of public funds into a company that is in administration but the Authority considers it unlikely that Systel are able to meet this deadline and is also not prepared to risk investing further funds into Systel as a result of its current status.

The Authority's connection to the Airwave network is based on hardware provided by Systel that is end of life and will not be supported by [Airwave] beyond December 2023. As DCS is a component of the wider solution, there are also wider integrated software/hardware and infrastructure upgrades required as a result of the migration to DCS.

Failure to migrate to DCS will result in the control room losing its ground-based connection to the Airwave network; causing significant operational issues and legal ramifications (namely, inability to record calls and Airwave voice traffic). The Authority will be unable to rely on its consortium partners for back-up mobilising system arrangements because these utilise Systel's current solution, which will be non-compliant from December 2023.

For the reasons set out above, the Authority considers it necessary to award a contract to Motorola Solutions UK LTD as they are able to meet the DCS migration deadline, to maintain the crucial ground-based connection to Airwave and provide the necessary integrated infrastructure, hardware and software upgrades to ensure that the future solution remains fit for purpose.

The Authority does not consider it is able to comply with the time limits for the open, restricted or competitive procedure with negotiation (and accelerated limits within them) to conduct a compliant procurement process because of the need to migrate to DCS by December 2023 which can only be achieved by awarding a contract to Motorola Solutions UK LTD in April 2023. A procurement process would prevent the Authority meeting this deadline and compromise the crucial ground-based connection to Airwave.

The proposed duration of the award to Motorola Solutions UK LTD for five years is strictly necessary because it reflects the time required to implement a mobilising system (18-24 months). This will also allow the necessary time for the Authority to prepare and complete an open, restricted, or competitive procedure.

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

The procurement is covered by the Government Procurement Agreement: Yes

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

31 March 2023

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

Motorola Solutions UK Limited

Nova South 160 Victoria Street

London

SW1E 5LB

Country

United Kingdom

NUTS code

- UKI - London

Companies House

00912182

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: £4,500,000

Total value of the contract/lot/concession: £4,500,000

Section VI. Complementary information

VI.3) Additional information

You have 10,000 characters available

VI.4) Procedures for review

VI.4.1) Review body

The Royal Courts of Justice

The Strand

London

WC2A 2LL

Country

United Kingdom

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

In accordance with Regulation 88 - 104 (Enforcement of duties through the Court) of the PCR.