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Contract

## **Provision Of Replacement Terminal Operating System - Portsmouth International Port**

PORTSMOUTH CITY COUNCIL

F03: Contract award notice

Notice identifier: 2021/S 000-012731

Procurement identifier (OCID): ocds-h6vhtk-02b92c

Published 7 June 2021, 10:41pm

### **Section I: Contracting authority**

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

PORTSMOUTH CITY COUNCIL

City Council

Portsmouth

PO12BG

#### **Contact**

Procurement Service

#### **Email**

[procurement@portsmouthcc.gov.uk](mailto:procurement@portsmouthcc.gov.uk)

#### **Telephone**

+44 2392688235

**Country**

United Kingdom

**NUTS code**

UKJ31 - Portsmouth

**Internet address(es)**

Main address

<https://www.portsmouth.gov.uk/>

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

Regional or local authority

**I.5) Main activity**

General public services

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**Section II: Object****II.1) Scope of the procurement****II.1.1) Title**

Provision Of Replacement Terminal Operating System - Portsmouth International Port

**II.1.2) Main CPV code**

- 48100000 - Industry specific software package

**II.1.3) Type of contract**

Supplies

**II.1.4) Short description**

Portsmouth City Council (the 'Council') has awarded a contract to COPAS B.V. (the

'Supplier') to supply and maintain a replacement Terminal Operating System (TOS) for use at Portsmouth International Port.

The new terminal operating system (TOS) is required in order to ensure compliance with UK Government additional Border Control Measures that are required to be in place by 1st July 2021 and also to service a multi-purpose facility including Roll on Roll Off (RoRo) freight haulage serving both the European Union and 'Rest of the World' trade routes, currently the Channel Islands.

The Council awarded the contract on 6th May 2021, with commencement of implementation effective immediately. The contract will run for an initial term of 3 years extendable thereafter on a yearly rolling basis without limits to number of extensions granted and associated contract duration.

The value of the contract for the 1st year for all acquisition and implementation costs is £268k plus £40k for servicing / maintenance costs making a total 1st year cost of £308k. The ongoing annual servicing / maintenance costs for subsequent years is £40k which equates to a total inclusive 3 year cost of £388k. If further extensions are taken up on a rolling basis this will increase the total cumulative cost of the contract accordingly.

### **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: £388,000

## **II.2) Description**

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

- 48170000 - Compliance software package
- 48420000 - Facilities management software package and software package suite
- 48430000 - Inventory management software package
- 48440000 - Financial analysis and accounting software package
- 48451000 - Enterprise resource planning software package
- 48463000 - Statistical software package

- 48600000 - Database and operating software package
- 72200000 - Software programming and consultancy services

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

NUTS codes

- UKJ31 - Portsmouth

Main site or place of performance

Portsmouth International Port, George Byng Way, Portsmouth, PO2 8SP

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

During the course of 2020 the UK Government announced additional Border Control Measures that would be required by UK ports from 2021, referred to as the 'Border Operating Model' (BOM).

The BOM, placed requirements on ports and terminals to adapt their operating models, infrastructure and systems so that they can comply with the new requirements that will apply post 2300hrs 31st December 2020, once the BREXIT transition period has concluded.

HM Revenue & Customs (HMRC) have instructed UK Ports that the new systems and solutions must be fully in place by the 1st July 2021.

The new operating system is needed to meet the requirements of the UK Governments new Border Operating Model (BOM), which are to be in place by 1st July 2021.

These requirements must include, but are not be limited to:

- Electronic interfacing with the Customs Inventory systems (Inventory Linking) to ensure compliance required to obtain a Port Temporary Storage approval from the Customs National Frontiers Unit (NFAU).
- Electronic messaging and data transfer for operating the new customs Goods Vehicle Movement Service (GVMS).
- Ability to ensure goods that are subject to Customs procedure are not released to the public domain whilst not cleared from a customs process.
- Integrations with ferry company manifests and booking systems.

The system will be the primary software used for record keeping, planning, control and monitoring for the management of freight units throughout the port estate from the point of arriving at the port either by road or vessel, until the freight unit leaves again either by road or vessel.

To comply with the BOM requirements, the Port is establishing a Border Control Post (BCP). The BCP will be operated on behalf of the Port by a separate provider Portico (BCP Service Provider) under contract. Portico operate a deep water cargo terminal which neighbours the Port and are uniquely placed to offer the required services on an operationally effective and economical basis.

The solution will must integrate seamlessly to the BCP service provider's software system which can only really be achieved effectively via both parties using the same system especially within the timeframe for system implementation and launch which has been placed upon the Port by UK Government.

The BCP service provider currently uses the COPAS system provided by the Supplier and has no intention of reviewing these arrangements at present, hence the Port's decision to enter into contract via direct award to the Supplier to ensure system compatibility.

It should also be noted that even if Portico were not the appointed BCP service provider the Port would still need to ensure system compatibility with Portico which can only be effectively achieved via purchase of the COPAS system due to:

- As mandated by the Department for Environment, Food and Rural Affairs (DEFRA) and the Animal & Plant Health Agency (APHA) any unit being requested to transfer from the Port to the BCP for an inspection must have a full audit trail of the journey from leaving the Port to arriving and then leaving the BCP Facility. This is to ensure that any contaminated consignment does not make its way into the normal food chain. All units whether accompanied or unaccompanied will have to travel across the Portico site to attend the BCP facility and therefore will have to be shown within Portico's own system which is the COPAS system, otherwise a gap in the audit trail will occur and effective tracking of the unit is significantly compromised.
- Units will also need to be logged onto the Portico system for security purposes as Portico's site is covered by ISPS (International Ship and Port Facility Security Code). As well as for health and safety reasons.
- Portico hold a 30 year lease of the land in question and the Port and wider Council has no ability to force Portico to change their current operating systems, therefore any system the Port uses must seamlessly integrate with Portico's systems.
- To retain the Port's current trade levels, the Port requires 'Temporary Storage Approval' to allow existing channel island traffic to continue. To gain Temporary Storage Approval the

Port requires Inventory Linking. To allow unaccompanied units arriving from the EU to pass through a Temporary Storage area inventory linking is also required. To be inventory linked our systems need to integrate with a community service provider (CSP).

- The current CSP used by Condor (a key Port customer) and Portico is CNS. Therefore the Port's systems need to link to CNS. The COPAS system already includes for integration to CNS. Changing to a different CSP would cause cost and inconvenience to Portico and Condor who would be under no legally binding obligation to facilitate the required integration.

The introduction of the COPAS system will help to safeguard the Port's existing and future freight income streams, which currently amount to approximately £3.9 million per annum. Without this passenger and tonnage income may also be put at risk. If freight were not carried some routes may become uneconomic for operators and therefore cease.

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

Price

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

Options: Yes

Description of options

The contract is of a rolling nature, extendable in annual increments to be agreed without limit to number of increments or duration.

In accordance with Regulation 17(b) of Public Contract Regulations (2015), the total term of the contract in terms of totality of extension options cannot be defined as the Council cannot forecast how long it will require the system for on an ongoing basis.

Any end to the extension of the contract via annual rolling increments will also be constrained due to the need for seamless system compatibility with Portico who would be under no legal obligation to the Council to pursue alternative system options.

The need for system compatibility is due to the operational implications of Portico's land interests within the Port and their appointment as the BCP service provider.

If Portico do not choose to pursue alternative systems then the Council may have no option than to continue extending the contract on a rolling basis.

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## 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 services can be provided only by a particular economic operator for the following reason:
  - absence of competition for technical reasons

Explanation:

During the course of 2020 the UK Government announced additional Border Control Measures that would be required by UK ports from 2021, referred to as the 'Border Operating Model' (BOM).

The BOM, placed requirements on ports and terminals to adapt their operating models, infrastructure and systems so that they can comply with the new requirements that will apply post 2300hrs 31st December 2020, once the BREXIT transition period has concluded.

HM Revenue & Customs (HMRC) have instructed UK Ports that the new systems and solutions must be fully in place by the 1st July 2021.

The new operating system provided by the Supplier is needed to meet the requirements of the UK Governments new Border Operating Model (BOM), which are to be in place by 1st July 2021.

To comply with the BOM requirements, the Port is establishing a Border Control Post (BCP). The BCP will be operated on behalf of the Port by a separate provider Portico (BCP Service Provider) under contract.

The solution will must integrate seamlessly to the BCP service provider's software system which can only really be achieved effectively via both parties using the same system especially within the timeframe for system implementation and launch which has been placed upon the Port by UK Government.

The BCP service provider currently uses the COPAS system provided by the Supplier and has no intention of reviewing these arrangements at present, hence the Port's decision to enter

into contract via direct award to the Supplier to ensure system compatibility.

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#### **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**

A contract/lot is awarded: Yes

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

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

6 May 2021

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

Number of tenders received: 1

Number of tenders received from SMEs: 0

Number of tenders received by electronic means: 0

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

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

COPAS BV

Stockholm 39, 2993 L M Barendrecht

Barendrecht

Email

[info@copas.nl](mailto:info@copas.nl)

Country

Netherlands

NUTS code

- NL4 - South Netherlands

Internet address

[www.COPAS.nl](http://www.COPAS.nl)

The contractor is an SME

No

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

Initial estimated total value of the contract/lot: £388,000

Total value of the contract/lot: £388,000

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## **Section VI. Complementary information**

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

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

The High Court

The Strand

London

WC2A 2LL

Telephone

+44 2079476000

Country

United Kingdom