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Award

**n/a**

Ministry of Defence

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-015765

Procurement identifier (OCID): ocds-h6vhtk-03d380

Published 2 June 2023, 5:09pm

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

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

Ministry of Defence

MOD Abbey Wood, Stoke Gifford

Bristol

BS34 8JH

#### **Contact**

Harvey Webbbber

#### **Email**

[Harvey.Webber100@mod.gov.uk](mailto:Harvey.Webber100@mod.gov.uk)

#### **Country**

United Kingdom

#### **Region code**

UKK11 - Bristol, City of

**Internet address(es)**

Main address

<https://www.gov.uk/government/groups/defence-digital>

**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**

n/a

**II.1.2) Main CPV code**

- 50660000 - Repair and maintenance services of military electronic systems

**II.1.3) Type of contract**

Services

**II.1.4) Short description**

The TacSys Service Executive (SE) within Defence Digital, part of the UK Ministry of Defence (MOD), intends to place with Marlborough Communications Ltd a 12-month contract for the provision of technical support services to Invisio Headsets.

**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: £407,138.08

## **II.2) Description**

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

NUTS codes

- UKK11 - Bristol, City of

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

The TacSys Service Executive (SE) within Defence Digital, part of the UK Ministry of Defence (MOD), intends to place with Marlborough Communications Ltd a 12-month contract for the provision of technical support services to Invisio Headsets.

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

Price

### **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

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## **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:

A Single Source contract with Marlborough Communications Ltd (MCL) for the Invisio Headset is justified as competition is absent for the following reasons:

Design Support: INVISIO® A/S Denmark who own the Intellectual Property Rights of the INVISIO Headset system have appointed MCL as their UK partner and are not prepared to licence other suppliers to support or supply the equipment.

Repair: Due to the complexity of the equipment, MCL as the Co-ordinating designer, are the only contractor with the technical ability to undertake repair, maintenance and overhaul activities as they are the only company that supply this equipment. Any other contractor would require a licence from INVISIO® A/S to obtain the drawings and list of spare parts required to undertake design and manufacture activities which is unlikely to be approved by INVISIO due to the presence of MCL with whom they have an agreement.

Safety: To compete this requirement would introduce the possibility of contravention of the CNAWR and the Defence Safety Authority (DSA) regulations as it would not be possible to ensure that another contractor would be sufficiently qualified, within the requisite timeframes, to undertake design and manufacture activities without including an associated unacceptable level of risk. This would result in the Authority not being able to fulfil CNAWR safety requirements which must be fulfilled to ensure the safe functioning of the forces. To comply with the CNAWR the principles of As Low As Reasonably Practicable (ALARP) must be adhered to. Reasonably practicable involves weighing a risk against the trouble, time and money needed to control it. Thus, ALARP describes the level to which the Authority expect to see workplace risks controlled. d. The Law requires that Safety and Risk to Life are managed to an ALARP status. This requires evidence of speed of response and that the costs are not disproportionate to the benefit achieved. To compete this requirement would introduce the possibility of contravention of the CNAWR and the DSA regulations as it would not be possible to ensure that another contractor could be sufficiently qualified within the requisite timeframes to undertake design and manufacture activities without including an associated unacceptable level of risk. This would result in the Authority not being able to fulfil CNAWR safety requirements which must be fulfilled to ensure the safe functioning of the forces.

#### **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**

708083450

### **Title**

Invisio Headset Support

A contract/lot is awarded: Yes

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

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

2 June 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**

Marlborough Communications Limited (MCL)

Perrywood Business Park, Honeycrook Lane

Redhill

RH1 5DZ

Country

United Kingdom

NUTS code

- UKJ2 - Surrey, East and West Sussex

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: £407,138.08

Total value of the contract/lot/concession: £407,138.08

**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**

TacSys Commercial

MoD Abbey Wood

Bristol

BS34 8JH

Email

[Harvey.Webber100@mod.gov.uk](mailto:Harvey.Webber100@mod.gov.uk)

Country

United Kingdom

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

MOD Abbey Wood

MOD Abbey Wood

Bristol

BS34 8JH

Email

[harvey.webber100@mod.gov.uk](mailto:harvey.webber100@mod.gov.uk)

Country

United Kingdom