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Award

## **AERIAL DISPERSANT SPRAY SERVICES**

Maritime & Coastguard Agency

F15: Voluntary ex ante transparency notice

Notice identifier: 2021/S 000-019661

Procurement identifier (OCID): ocds-h6vhtk-02d43c

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

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

Maritime & Coastguard Agency

Southampton

#### **Email**

[contracts@mcga.gov.uk](mailto:contracts@mcga.gov.uk)

#### **Country**

United Kingdom

#### **NUTS code**

UK - United Kingdom

#### **Internet address(es)**

Main address

<https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>

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

Body governed by public law

## **I.5) Main activity**

Other activity

Maritime Safety & Rescue

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## **Section II: Object**

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

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

AERIAL DISPERSANT SPRAY SERVICES

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

- 75252000 - Rescue services

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

Services

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

A short duration contract for aerial dispersant spray services.

#### **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: £9,922,000

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

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

NUTS codes

- UK - United Kingdom

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

The contract will provide aerial dispersant spray services to treat marine oil spills using two Boeing 737 400s fitted to carry an Oil Dispersant Spray System, guided by a King Air 200 Spotter Aircraft. The contract is for a complete service, including provision of aircraft, crew, maintenance of equipment and operation. The contract will be in place from 01 February 2022 to 31 January 2024, with an option for a further extension of up to one year, to enable the completion of a larger procurement of oil spill response services.

#### **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

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:

Aerial dispersant application is a key component of the UK's response to marine oil spills. The primary service is currently provided by RVL Aviation, the contract for which is due to expire on 31 January 2022, with supplementary aerial spray capacity provided under a Collaboration Agreement with 2Excel Aviation and Oil Spill Response Limited (OSRL), also due to expire on 31 January 2022.

MCA intends to run a competition to replace the services provided under the RVL Contract and the 2Excel Contract. MCA is in the process of reviewing its counter pollution resources to determine the future arrangements to be in place for the longer term. This review will not only encompass the capacity and type of countermeasures to be employed (dispersant, mechanical recovery etc.), but also the commercial arrangements to be used to source them, with the possibility of consolidating certain services. The review will conclude with a determination of the level and type of resource the MCA requires for its next generation counter pollution capability and the arrangements under which they will be contracted. Following this, the competition to replace the services provided under the RVL Contract and 2Excel Contract will take place.

This review has been delayed due in part to MCA's intention to make the Aerial Dispersant Spray System it has developed for use in 737 400s under the RVL contract, for which MCA owns the intellectual property, available to non-incumbent bidders in any future spray procurement. The development and final approval of this system was itself delayed (although recently achieved) due to a combination of regulator interventions and the postponement of flight trials as a consequence of Covid-19. The entry of the 737-spray system into service and conformation of its suitability was required in order to inform the subsequent review of counter pollution resources. A further cause of the delay to the review of counter pollution resources was a delay, due to staff shortages caused by Covid-19, of the completion of the Oil Spill Risk Review, which was needed to help inform the review of resources.

As the review of resources has not yet been completed, and as the time required for any non-incumbent bidders to procure the necessary equipment, aircraft and trained crew as

well as to gain the regulatory approval needed will be considerable, it will not be possible to replace the current services from 1 February 2022. It has become apparent that introducing a new dispersant spray service and system will require a period of time which is longer than the limited time remaining prior to the re-tendering of the RVL Contract. As such, the MCA cannot maintain its current aerial spray capacity within the time required by investing in a new aerial spray service and system but must instead maintain the current service levels in the interim by contracting with an operator with both an extant aerial dispersant spray capability and capacity in its fleet.

Consequently, there are currently only two operators in the UK with the necessary approvals, equipment and modified aircraft which can collectively deliver the capacity needed within the required timeframe: the MCA's current contractors, RVL Group, and 2Excel. As such, the MCA considers that the use of negotiated procedure without prior publication is permitted under Regulation 32 (2) (b) (i) where Competition is absent for technical reasons given that RVL Group are the only operator with the regulatory approvals currently in place to operate the 737 400 aerial dispersant spray system.

The MCA does not consider that there are market participants other than the two incumbents who could stand up an aerial dispersant spray service within the required timeframe and maintain the current level of capacity the services collectively deliver. Currently, RVL and 2Excel/OSRL are the only suppliers with sufficient aircraft, spray equipment and crew not already committed to other customers.

#### **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**

6 August 2021

#### **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**

2Excel & RVL Group

Northampton and Derby

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

Yes

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

Total value of the contract/lot/concession: £9,922,000

#### **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**

Maritime & Coastguard Agency

Southampton

Country

United Kingdom