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Contract

## **Contract for the Provision of Aerial Surveillance and Aerial Spray**

Maritime & Coastguard Agency

F20: Modification notice

Notice identifier: 2021/S 000-019664

Procurement identifier (OCID): ocds-h6vhtk-02d43f

Published 12 August 2021, 10:45pm

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

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

Maritime & Coastguard Agency

105 Commercial Road

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>

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## **Section II: Object**

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

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

Contract for the Provision of Aerial Surveillance and Aerial Spray

Reference number

TCA 3/7/911

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

- 75252000 - Rescue services

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

Services

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

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

NUTS codes

- UK - United Kingdom

#### **II.2.4) Description of the procurement at the time of conclusion of the contract:**

The contract covers the requirement to verify the potential pollution extent and appearance, initially identified by the MCA through satellite surveillance, and the UK's chosen response to actual oil pollution at sea, through the application from the air of dispersants.

#### **II.2.7) Duration of the contract, framework agreement, dynamic purchasing system or concession**

Duration in months

96

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

### **Contract No**

TCA 3/7/911

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

#### **V.2.1) Date of conclusion of the contract/concession award decision:**

6 August 2021

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

The contract/concession has been awarded to a group of economic operators: Yes

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

2Excel Aviation Limited

Northampton

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

Yes

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

RVL Group

Derby

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

Yes

**V.2.4) Information on value of the contract/lot/concession (at the time of conclusion of the contract;excluding VAT)**

Total value of the procurement: £1,555,000

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## **Section VI. Complementary information**

### **VI.3) Additional information**

The extension is required to maintain MCA's capacity but during such extension period, MCA intends to:

- enable the completion of the counter pollution resources review;
- enable industry engagement to take place prior to a competition for longer a term contract or contracts for oil spill response services (once a level and type of resource to be procured has been determined, prospective bidders will be invited to respond to a Prior Information Notice);
- allow time for such competition to take place;
- conduct further exercises using the 737 400 Oil Dispersant Spray System so as to be able to make any resulting data available to bidders in the future procurement; and
- allow sufficient time for any non-incumbent supplier to mobilise and transition into the new service, thus facilitating greater participation in the competition.

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

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

Maritime & Coastguard Agency

Southampton

Country

United Kingdom

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

Maritime & Coastguard Agency

Southampton

Country

United Kingdom

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## **Section VII: Modifications to the contract/concession**

### **VII.1) Description of the procurement after the modifications**

#### **VII.1.1) Main CPV code**

- 75252000 - Rescue services

#### **VII.1.3) Place of performance**

NUTS code

- UK - United Kingdom

Main site or place of performance

United Kingdom territorial waters and exclusive economic zones

#### **VII.1.4) Description of the procurement:**

The contract covers the requirement to verify the potential pollution extent and appearance, initially identified by the MCA through satellite surveillance, and the UK's chosen response to actual oil pollution at sea, through the application from the air of dispersants.

#### **VII.1.5) Duration of the contract, framework agreement, dynamic purchasing system or concession**

Duration in months

96

#### **VII.1.6) Information on value of the contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession:

£1,555,000

#### **VII.1.7) Name and address of the contractor/concessionaire**

2Excel Aviation Limited

Northampton

Country

United Kingdom

NUTS code

- UK - United Kingdom

National registration number

05391365

The contractor/concessionaire is an SME

Yes

#### **VII.1.7) Name and address of the contractor/concessionaire**

RVL Group Ltd

Derby

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

Yes

#### **VII.2) Information about modifications**

##### **VII.2.1) Description of the modifications**

Nature and extent of the modifications (with indication of possible earlier changes to the contract):

MCA's aerial dispersant spray service is a key component of its oil spill response capability. This service is currently and will continue to be delivered by RVL Group using modified Boeing 737 400s, fitted with an oil dispersant spray system ("RVL Contract"). In September 2020 the MCA entered into an agreement relating to aerial dispersant application with 2Excel for access to a backup Boeing 727 aircraft equipped with TERSUS spray system due to an immediate requirement for additional capacity ("2Excel Contract"). This additional capability supplements the MCA's primary dispersant spray

capability delivered under the RVL Contract. The 2Excel Contract fulfills the requirement for additional capacity in the MCA's aerial dispersant spray capability and is required until expiry of the RVL Contract. Under the 2Excel Contract the MCA can access the "backup" Boeing 727 fitted with TERSUS aerial dispersant spray system, when it is not required by Oil Spill Response Limited or its members. The services being provided under the RVL Contract are being extended (possibly under different contract terms) and as such the 2Excel Contract is being extended.

The modification will provide a two-year extension of the Agreement between the MCA and 2Excel Aviation. In order to enter into the 2Excel Contract, MCA also entered into a collaboration agreement with Oil Spill Response Limited, T2 Aviation Limited and 2 Excel Limited to govern access to such aircraft. Such collaboration agreement is co-terminous with the 2Excel Contract and as such, while not a contract change, will extend on the same terms as the 2Excel Contract. The MCA's Associate Membership with OSRL will likewise be extended for two further years as the prerequisite for the collaboration agreement.

Description of the economic or technical reasons and the inconvenience or duplication of cost preventing a change of contractor: 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 parts of the 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.

### **VII.2.2) Reasons for modification**

Need for additional works, services or supplies by the original contractor/concessionaire.

Description of the economic or technical reasons and the inconvenience or duplication of cost preventing a change of contractor:

It has become apparent that developing a new dispersant spray system and introducing a new service will require a period of time which is longer than the limited time remaining prior to the re-tendering of the RVL Contract. Further, the additional capacity provided under the 2Excel Contract remains required. As such, the MCA cannot maintain its current aerial spray capacity within the time required by investing in a new aerial spray service or 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 spare capacity in its fleet.

The 2Excel Contract contains a clause giving the MCA the option to extend the contract for two Extension Periods of a year each and the extension is required to maintain MCA's capacity. MCA looks forward to beginning engagement on the future oil spill response procurement in the near future.

### **VII.2.3) Increase in price**

Updated total contract value before the modifications (taking into account possible earlier contract modifications, price adaptions and average inflation)

Value excluding VAT: £1,555,000

Total contract value after the modifications

Value excluding VAT: £3,630,000