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Award

## **APAC24 Support**

Ministry of Defence

F15: Voluntary ex ante transparency notice

Notice identifier: 2022/S 000-023604

Procurement identifier (OCID): ocds-h6vhtk-036271

Published 24 August 2022, 12:37pm

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

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

Ministry of Defence

Portsmouth

##### **Email**

[lee.culshaw100@mod.gov.uk](mailto:lee.culshaw100@mod.gov.uk)

##### **Country**

United Kingdom

##### **NUTS code**

UK - United Kingdom

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

Main address

[www.contracts.mod.uk](http://www.contracts.mod.uk)

#### **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**

APAC24 Support

Reference number

705019451

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

- 50241100 - Vessel repair services

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

Services

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

The Royal Navy, part of the UK Ministry of Defence, intends to award a 4 year contract with a value of approximately £500,000 to BAE Systems Surface Ships Ltd for the provision of support to the Royal Navy's APAC 24 boat, in particular general onboard systems hardware and software upgrade and modification. In accordance with regulation 4 of Defence and Security Public Procurement (Amendment etc.) (EU Exit) Regulations 2019 SI No. 2019/697, this procurement falls to be regulated under the provisions of the Defence and Security Public Contracts Regulations 2011 (DSPCR 2011) as amended (in particular by SI 2019/697 and SI 2020/1450). Prior publication of a contract notice in the Official Journal of the European Union is no longer appropriate.

It is considered that the award of the contract without prior publication of a contract notice in the UK e-notification service (as required by the relevant legislation) is lawful in accordance with regulation 16(1)(a)(ii) of the DSPCR 2011 because competition is absent for technical reasons. This is because the Contractor alone as design authority possesses the specific technological expertise and knowledge and access to relevant information

including data in proprietary software to undertake the work and ensure system compatibility with existing APAC hardware [both aboard the APAC from a structure and stability, naval architecture and overall platform safety and integrity perspective and from a fleet-wide perspective] and can alone provide a safety case to meet the reasonable requirements of the MOD. [Furthermore access to physical equipment to be used in undertaking the work is exclusive to BAE and will not be available to any other supplier]

#### **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: £510,000

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

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

NUTS codes

- UK - United Kingdom

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

The Royal Navy, part of the UK Ministry of Defence, intends to award a 4 year contract with a value of approximately £500,000 to BAE Systems Surface Ships Ltd for the provision of support to the Royal Navy's APAC 24 boat, in particular general onboard systems hardware and software upgrade and modification. In accordance with regulation 4 of Defence and Security Public Procurement (Amendment etc.) (EU Exit) Regulations 2019 SI No. 2019/697, this procurement falls to be regulated under the provisions of the Defence and Security Public Contracts Regulations 2011 (DSPCR 2011) as amended (in particular by SI 2019/697 and SI 2020/1450). Prior publication of a contract notice in the Official Journal of the European Union is no longer appropriate.

It is considered that the award of the contract without prior publication of a contract notice in the UK e-notification service (as required by the relevant legislation) is lawful in accordance with regulation 16(1)(a)(ii) of the DSPCR 2011 because competition is absent for technical reasons. This is because the Contractor alone as design authority possesses the specific technological expertise and knowledge and access to relevant information including data in proprietary software to undertake the work and ensure system compatibility with existing APAC hardware [both aboard the APAC from a structure and stability, naval architecture and overall platform safety and integrity perspective and from a fleet-wide perspective] and can alone provide a safety case to meet the reasonable requirements of the MOD. [Furthermore access to physical equipment to be used in

undertaking the work is exclusive to BAE and will not be available to any other supplier]

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

Criterion: Price 50

Criterion: Technical 50

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

Options: Yes

Description of options

Three x one year option periods included following initial one year service.

#### **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:

The Royal Navy, part of the UK Ministry of Defence, intends to award a 4 year contract with a value of approximately £500,000 to BAE Systems Surface Ships Ltd for the provision of support to the Royal Navy's APAC 24 boat, in particular general onboard systems hardware and software upgrade and modification. In accordance with regulation

4 of Defence and Security Public Procurement (Amendment etc.) (EU Exit) Regulations 2019 SI No. 2019/697, this procurement falls to be regulated under the provisions of the Defence and Security Public Contracts Regulations 2011 (DSPCR 2011) as amended (in particular by SI 2019/697 and SI 2020/1450). Prior publication of a contract notice in the Official Journal of the European Union is no longer appropriate.

It is considered that the award of the contract without prior publication of a contract notice in the UK e-notification service (as required by the relevant legislation) is lawful in accordance with regulation 16(1)(a)(ii) of the DSPCR 2011 because competition is absent for technical reasons. This is because the Contractor alone as design authority possesses the specific technological expertise and knowledge and access to relevant information including data in proprietary software to undertake the work and ensure system compatibility with existing APAC hardware [both aboard the APAC from a structure and stability, naval architecture and overall platform safety and integrity perspective and from a fleet-wide perspective] and can alone provide a safety case to meet the reasonable requirements of the MOD. [Furthermore access to physical equipment to be used in undertaking the work is exclusive to BAE and will not be available to any other supplier]

#### **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**

A contract/lot is awarded: Yes

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

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

24 August 2022

#### **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**

BAE Systems Surface Ships Ltd

Isle of Wight

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

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

Total value of the contract/lot/concession: £510,000

#### **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**

Ministry of Defence

Portsmouth

Country

United Kingdom