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Award

SACC/00095 - Provision of MIDS BU2 In-Service Support and I-Level Repair for Typhoon

Ministry of Defence

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-024763

Procurement identifier (OCID): ocds-h6vhtk-03f634

Published 23 August 2023, 11:05am

Section I: Contracting authority/entity

I.1) Name and addresses

Ministry of Defence

Bristol

Email

emma.oakes101@mod.gov.uk

Country

United Kingdom

Region code

UK - United Kingdom

Internet address(es)

Main address

<https://www.gov.uk/government/organisations/ministry-of-defence>

I.4) Type of the contracting authority

Ministry or any other national or federal authority

I.5) Main activity

Defence

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

SACC/00095 - Provision of MIDS BU2 In-Service Support and I-Level Repair for Typhoon

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

SACC/00095 - Provision of MIDS BU2 In-Service Support and I-Level Repair for Typhoon

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: £4,500,000

II.2) Description

II.2.2) Additional CPV code(s)

- 50660000 - Repair and maintenance services of military electronic systems

II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

II.2.4) Description of the procurement

Service Works

II.2.5) Award criteria

Criterion: DLS NAPNOC

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

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Negotiated procedure without publication of a contract notice

- No tenders or no suitable tenders/requests to participate in response to negotiated procedure with prior 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
- New works/services, constituting a repetition of existing works/services

Explanation:

VTN Notice – SACC/00095

The Situational Awareness Command and Control (SACC) Team, part of the UK Ministry of Defence (the Authority), intends to award a contract for the provision of In-Service Support and I-Level Repair for MIDS BU2 Terminals in the UK with Data Link Solutions LLC (the Contractor) for 3 years. The estimated value is £4.5m ex VAT.

In accordance with regulation 4 of The Defence and Security Public Contracts (Amendment) (EU Exit) Regulations 2019 (SI 2019/697) this procurement shall be regulated under the provisions of the Defence and Security Public Contracts Regulations (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 for technical reasons as the Contractor owns the relevant technical information relating to the equipment and only the Contractor has the required technical expertise and know-how necessary to fulfil the requirement.

The Contractor is the Original Equipment Manufacturer (OEM) of the MIDS BU2 Tactical Data Link Terminals and supporting equipment, all of which are complex electronic units, containing both programmable (software) and cryptographic devices. The service required by the Authority (repair, maintenance, and modification) can only be performed by the Contractor because they own and hold the technical information, tools and technical expertise necessary to perform the service and meet the Authority's requirement. The contract cannot be performed without access to that technical information and, no licences have been granted to any party, including the Authority, to obtain the drawings, specifications, etc. for the Link 16 Tactical Data Link Terminals. The Authority does not have the right to provide to third parties the relevant technological information and documentation required to fulfil this requirement. As such Data Link Solutions, LLC is the only Contractor capable of providing the required support and repairs to the MIDS BU2 Tactical Data Link Terminals in order to meet the Authority's requirement.

The Cyber Risk profile is Low. The reference for the RAR is: 581855598

IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: No

Section V. Award of contract/concession

Contract No

SACC/00095

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

1 August 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

Data Link Solutions, LLC

New Jersey

Country

United States

NUTS code

- US - United States

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: £4,500,000

V.2.5) Information about subcontracting

The contract/lot/concession is likely to be subcontracted

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

Situational Awareness Command and Control Delivery Team (SACC DT)

Bristol

Country

United Kingdom