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Award

## **ACCOMM2B/0059-18 Month Extension**

Ministry of Defence

F15: Voluntary ex ante transparency notice

Notice identifier: 2021/S 000-025906

Procurement identifier (OCID): ocds-h6vhtk-02ec9f

Published 15 October 2021, 10:44pm

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

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

Ministry of Defence

Bristol

##### **Email**

[darren.brice-taylor100@mod.gov.uk](mailto:darren.brice-taylor100@mod.gov.uk)

##### **Country**

United Kingdom

##### **NUTS code**

UKK11 - Bristol, City of

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

Main address

<https://des.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**

ACCOMM2B/0059-18 Month Extension

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

- 500000000 - Repair and maintenance services

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

Services

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

Amendment 11 to ACCOMM2B/0059 -18 Month Extension to existing capability for Test Fuchs Hydraulics Contract.

#### **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: 757,000 EUR

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

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

NUTS codes

- UK - United Kingdom

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

Amendment 11 to ACCOMM2B/0059 -18 Month Extension to existing capability for Test Fuchs Hydraulics Contract.

## **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

- 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

Explanation:

The Air Commodities Team, part of the UK Ministry of Defence (“the Authority”) intends to extend the existing contract ACCOMM2/0059 with Test Fuchs GmbH for the In-Service Support of Test Fuchs Hydraulic Equipment from 31 Dec 21 to 31 Jun 23, in order to maintain an interim solution whilst negotiating a Single Source future contract. The VTN for the future contract will be published under separate cover via the Defence Sourcing Portal prior to 31 Jun 23.

It is considered that the contract can be extended using the negotiated procedure without prior publication of a contract notice pursuant to Regulation 16(1)(a)(ii) of the Defence and Security Public Contracts Regulations 2011 for technical reasons, the contract may be awarded only to this particular economic operator. The reasons for this are as follows:

Test Fuchs GmbH is the Original Equipment Manufacturer (OEM) for a range of hydraulically operated ground support and test equipment that is currently in service with the Royal Air Force (RAF). The company's range of equipment is used to operate and maintain aircraft hydraulic systems, pre and post-flight, and to test the suitability of hydraulically driven aircraft components and assemblies before they are returned to service following maintenance. The contract for the in-service support of this range of equipment covers annual maintenance, calibration, physical repairs and the updating of proprietary firmware and software, however, it does not cover the release of any proprietary information to third parties and hence the Authority does not have access to the data-packs associated with the equipment this OEM has in service with the RAF. Test Fuchs have confirmed they are not prepared to grant any such licences, therefore the Authority does not have access to the necessary proprietary information to carry out or compete this requirement.

Test Fuchs GmbH also maintains the complementary safety cases. There is a significant risk that if a third party took over the contract for in-service support that the functionality of the equipment would decline in-line due to the loss of proprietary information in the form of firmware and software upgrades that can only be provided by Test Fuchs GmbH. This means that the safety cases would, over time, deteriorate. Maintaining the risk to human life at As Low As Reasonably Practicable (ALARP) and 'tolerable' would become increasingly unpredictable and hence accelerate the equipment's removal from service. Placing a contract with Test Fuchs GmbH is the only means of maintaining the integrity of the equipment through to its natural Out of Service Date (OSD).

#### **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**

15 October 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**

Test Fuchs GMBH

Unit 30 King Street Industrial Estate, King Street, Langtoft

Peterborough

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: 757,000 EUR

#### **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**

Defence, Equipment and Support

Bristol

BS34 8JH

Country

United Kingdom