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Award

## **The Supply and In-service Support of Emergency Escape Breathing Devices (EEBDs)**

Ministry of Defence

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-027634

Procurement identifier (OCID): ocids-h6vhtk-0401f7

Published 19 September 2023, 1:24pm

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

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

Ministry of Defence

Bristol

#### **Email**

[desshipscomrcl-salmo-multiuser@mod.gov.uk](mailto:desshipscomrcl-salmo-multiuser@mod.gov.uk)

#### **Country**

United Kingdom

#### **Region code**

UK - United Kingdom

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

Main address

<https://contracts.mod.uk/esop/guest/go/opportunity/detail?opportunityId=57017>

## **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**

The Supply and In-service Support of Emergency Escape Breathing Devices (EEBDs)

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

- 98360000 - Marine services

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

Services

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

The Salvage & Marine Operations Team, part of the UK Ministry of Defence ('MOD'), intends to negotiate a contract with Ocenco Incorporated ('Ocenco') to provide in-service support for Emergency Escape Breathing Devices (EEBDs), together with the purchase of additional EEBDs. It is intended that the contract will be for a period of 5 years from 1st April 2024, with three additional one-year Options to extend. The estimated value of this contract is £8,000,000 ex VAT.

EEBDs are used in the event of an escape from atmospheres that are either toxic or unable to sustain life and are a safety critical item to personnel on board ships/submarines.

#### **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: £8,000,000

## **II.2) Description**

### **II.2.2) Additional CPV code(s)**

- 35111400 - Fire escape equipment
- 44611200 - Breathing apparatus

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

NUTS codes

- UK - United Kingdom

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

The Salvage & Marine Operations Team, part of the UK Ministry of Defence ('MOD'), intends to negotiate a contract with Ocenco Incorporated ('Ocenco') to provide in-service support for Emergency Escape Breathing Devices (EEBDs), together with the purchase of additional EEBDs. It is intended that the contract will be for a period of 5 years from 1st April 2024, with three additional one-year Options to extend. The estimated value of this contract is £8,000,000 ex VAT.

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

Price

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

Options: Yes

Description of options

Three additional one-year Options to extend.

### **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:

In accordance with the provisions of The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 SI No. 2020/1319, this procurement falls to be regulated under the provisions of the Public Contracts Regulations 2015 as amended (in particular by SI 2020/1319). 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 this contract without prior publication of a Contract Notice in the UK e-notification service (in accordance with the relevant legislation) is lawful in accordance with Regulation 32(2)(b)(ii) of the Public Contracts Regulations 2015 (PCR) because competition is absent for technical reasons.

This is because Ocenco is the sole manufacturer of the M-20.2, M-20.2XT and M-20.2T EEEDs which are currently in service with the MOD. Ocenco is the only company with the in-depth technical know-how and expertise to fulfil the requirement. Ocenco, as the original equipment manufacturer, is the only company with the ability to provide the legislative safety certification to re-certify or recycle the EEEDs which is required for MOD to comply with statutory legislation (Solas Regulation ii-2/13.3.4, ii-2/13.4.3, IMO Resolution MCS.98(73) Chapter 3.2.2 (FSS Code), IMO Resolution MCS/Circ.849, EN 13794 (2002) and ISO 23269-1 (2008)). The EEEDs provided by Ocenco are a safety critical item to personnel on board ships/submarines. Personnel are trained to use only one variant of EEEDs in the event of an escape from atmospheres that are either toxic or unable to sustain life. Using different equipment would result in disproportionate technical difficulties in operation by Royal Navy (RN) personnel and incompatibility with existing RN equipment. Introducing another type of EEED would introduce an unacceptable safety risk to personnel.

#### 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**

19 September 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**

Ocenco Incorporated

Pleasant Praire

Country

United States

NUTS code

- US - United States

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: £8,000,000

#### **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

Bristol

Country

United Kingdom