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Contract

## **APAC24 Support**

Ministry of Defence

F03: Contract award notice

Notice identifier: 2023/S 000-029165

Procurement identifier (OCID): ocds-h6vhtk-036271

Published 3 October 2023, 5:03pm

### **Section I: Contracting authority**

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

Ministry of Defence

Portsmouth

##### **Email**

[Lauren.Terry103@mod.gov.uk](mailto:Lauren.Terry103@mod.gov.uk)

##### **Country**

United Kingdom

##### **Region code**

UKJ31 - Portsmouth

##### **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, has awarded a 4 year contract with a value of up to £475,997.49 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: £475,997.49

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

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

- 50241100 - Vessel repair services

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

NUTS codes

- UKJ31 - Portsmouth

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

APAC24 Support Services

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

Price

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

Options: Yes

Description of options

Options include:

Limit of Liability for Contract Period 1

Limit of Liability for Contract Period 2

Limit of Liability for Contract Period 3

Limit of Liability for Contract Period 4

### **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**

Award of a contract without prior publication of a call for competition in the cases listed below

- The 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, has awarded a 4 year contract with a value of £475,997.49 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

### **IV.2) Administrative information**

#### **IV.2.1) Previous publication concerning this procedure**

Notice number: [2022/S 000-023604](#)

#### **IV.2.9) Information about termination of call for competition in the form of a prior information notice**

The contracting authority will not award any further contracts based on the above prior information notice

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## **Section V. Award of contract**

### **Contract No**

705019451

### **Title**

APAC24 Support

A contract/lot is awarded: Yes

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

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

4 September 2023

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

Number of tenders received: 1

Number of tenders received from SMEs: 1

Number of tenders received from tenderers from other EU Member States: 1

Number of tenders received from tenderers from non-EU Member States: 1

Number of tenders received by electronic means: 1

The contract has been awarded to a group of economic operators: No

**V.2.3) Name and address of the contractor**

BAE Systems Maritime Services

Portsmouth

Country

United Kingdom

NUTS code

- UKJ31 - Portsmouth

The contractor is an SME

No

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

Total value of the contract/lot: £475,997.49

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## **Section VI. Complementary information**

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

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

Ministry of Defence

NCHQ, Leach Building, Whale Island

Portsmouth

PO2 8BY

Country

United Kingdom