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Award

A400M MRO Upgrade

Ministry of Defence

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-029942

Procurement identifier (OCID): ocds-h6vhtk-040afb

Published 11 October 2023, 11:47am

Section I: Contracting authority/entity

I.1) Name and addresses

Ministry of Defence

Bristol

Email

DESA400M-ServiceDeliveryTeam@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

A400M MRO Upgrade

II.1.2) Main CPV code

- 31720000 - Electromechanical equipment

II.1.3) Type of contract

Supplies

II.1.4) Short description

The A400M Delivery Team, part of the UK Ministry of Defence intends to place a new Contract with Planet Platforms for the creation and limited post-design services of a set of maintenance docking and staging bespoke to A400M Aircraft.

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.2.3) Place of performance

NUTS codes

- UK - United Kingdom

II.2.4) Description of the procurement

The A400M Delivery Team, part of the UK Ministry of Defence intends to place a new Contract with Planet Platforms for the creation and limited post-design services of a set of maintenance docking and staging bespoke to A400M Aircraft. The estimated Contract value is £4.5M. It is considered that this Contract can be placed in accordance with regulation 4 of The Defence and Security Public Contracts (Amendment) (EU Exit) Regulations 2019 (SI 2019/697) this procurement falls to be regulated under the provisions of the Defence and Security Public Contracts Regulations 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 is lawful in accordance with Regulation 16(1)(a)(ii) of the Defence and Security Public Contracts Regulations 2011. This is due to Planet Platforms holding exclusive rights to the docking and staging required. It is necessary that the new units will be of similar design to the current docking and staging provided by Planet Platforms to ensure the safe handling and continued competence with the maintenance activities required for the A400M aircraft. The platforms age is still within the monopoly period for Unregistered Design Rights (UDR), and so, noting the degree of design freedom, it is considered that a new manufacturer is likely to infringe the OEMs UDR. Working at height is one of the major risks to life that the maintenance staff face therefore any differences in design between the docking and staging such as how gates operate, close, lock, how the staging fits together and attachment points for personnel to harness in, all create unacceptable human factors risks if there is a difference in the layout to the equipment. This could contribute to personnel doing these activities incorrectly and therefore increasing the risk of a fall. To contract with another organisation would necessitate a sufficiently different design so as not to impinge on UDR, the OEM of the current docking and staging for the A400M Aircraft is most appropriate to provide the new set.

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

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:
 - protection of exclusive rights, including intellectual property rights

Explanation:

The A400M Delivery Team, part of the UK Ministry of Defence intends to place a new Contract with Planet Platforms for the creation and limited post-design services of a set of maintenance docking and staging bespoke to A400M Aircraft. The estimated Contract value is £4.5M. It is considered that this Contract can be placed in accordance with regulation 4 of The Defence and Security Public Contracts (Amendment) (EU Exit) Regulations 2019 (SI 2019/697) this procurement falls to be regulated under the provisions of the Defence and Security Public Contracts Regulations 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 is lawful in accordance with Regulation 16(1)(a)(ii) of the Defence and Security Public Contracts Regulations 2011. This is due to Planet Platforms holding exclusive rights to the docking and staging required. It is necessary that the new units will be of similar design to the current docking and staging provided by Planet Platforms to ensure the safe handling and continued competence with the maintenance activities required for the A400M aircraft. The platforms age is still within the monopoly period for Unregistered Design Rights (UDR), and so, noting the degree of design freedom, it is considered that a new manufacturer is likely to infringe the OEMs UDR. Working at height is one of the major risks to life that the maintenance staff face therefore any differences in design between the docking and staging such as how gates operate, close, lock, how the staging fits together and attachment points for personnel to harness in, all create unacceptable human factors risks if there is a difference in the layout to the equipment. This could contribute to personnel doing these activities incorrectly and therefore

increasing the risk of a fall. To contract with another organisation would necessitate a sufficiently different design so as not to impinge on UDR, the OEM of the current docking and staging for the A400M Aircraft is most appropriate to provide the new set.

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

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

11 October 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

Planet Platforms Ltd

Wakefield

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: £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

Ministry of Defence

Bristol

Country

United Kingdom