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|  | Modifications Contracting Form | V1.2a (09/08) |
| Contract No: | 709373451 | Contract Type: | Task B |
| Issue: | 3 | Date: | 6th November 2023 | Platform: | Merlin  |
| JMS MRD Ref: | EH22655 |
| Contract Title: | Merlin Mk2 Lower V/UHF Antenna Obsolsence  |
| **Terms & Conditions:** The Contract is subject to the Terms and Conditions of the Joint Modification Contracting Arrangement (JMCA), Document Number 700630373, dated 3rd October 2022 as amended for the purposes of this Contract only in accordance with the additional Terms and Conditions detailed herein. In accordance with Section 1 of the Joint Modification Contracting Arrangement (JMCA), Document Number 700630373, dated 3rd October 2022 the following Defence Conditions (DEFCONs) and Defence Standards (DEFSTANS) shall apply. |
| Price [ ]  DEFCON 127 (Edn 08/21) Price Fixing Condition for Contracts of Lesser Value [x]  DEFCON 643 (Edn 12/21) Price Fixing (Non-qualifying Contract)[x]  DEFCON 695 (Edn 02/15) Contract Costs Statement - Post Costing (Non-qualifying Contract)[x]  DEFCON 812 (Edn 04/15) Single Source Open Book[x]  DEFCON 814 (Edn 02/19) Single Source: Confidentiality Open Book and Reporting Informtion[x]  DEFCON 815 (Edn 04/15) Single Source: Non-qualifying - Contract Pricing Statement[ ]  DEFCON 605 (Edn 06/14) Financial Reports EVM[x]  DEFCON 647 (Edn 05/21) Financial Management Information |
| Security [x]  DEFCON 658 (Edn 09/21) Cyber Quality [ ]  DEFCON 602A (Edn 12/17) Quality Assurance (with Deliverable Quality Plan) Government Furnished Equipment [x]  DEFSTAN 05-99 Issue 3 – Managing Government Furnished Equipment in IndustryOther [x]  DEFCON 68 (Edn 05/21) Supply of Data for Hazardous Substances, Mixtures and Articles DEFFORM [ ]  DEFFORM 177 (Edn 03/80) Design Rights and Patents (Subcontractor Agreement) [ ]  DEFFORM 315 (Edn 02/98) Contract Data RequirementIn accordance with Section 2 of the Joint Modification Contracting Arrangement (JMCA), Document Number 700630373, dated 3rd October 2022 the following Defence Conditions (DEFCONs) and Defence Standards (DEFSTANS) shall apply:[ ]  No additional DEFCONs or DEFSTANs other than those specific within the Joint Modification Contracting Arrangment (JMCA) or Modification Contracting Form (MCF) shall apply[x]  Def Stan 00-051, Iss 1 – Environmental Management Requirements for Defence Systems [x]  Def Stan 00-970, Iss 10- Certification Specifications for Airworthiness |
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| Specification/ Dependencies/ Deliverables | - MRD EH22655 – v3 dated 6th October 2023- Annex A Statement of Work, Issue 1, EH22655, dated July 2023 Annex B Schedule, EH22655, Version 1.2, dated 30th Oct 2023  Annex C Risk RegisterAnnex D Milestone Payment Plan |
| Consignee: | DES Merlin-AvionicsEA | Delivery / Completion Date: May 2026 |
| Price: | Item 1 - £**FOIA** **– Section 43- disclosure of information is a trade secret**  | Category: | Item 1 – Firm Pegged |
| Payment: | See Annex D Milestone Payment Plan for Item 1 | Further Info: | See Overleaf |
| Attachments:- MRD EH22655 – v3 dated 6th October 2023- Annex A Statement of Work, Issue 1, EH22655, dated 17th July 2023 - Annex B Schedule, EH22655, Version 1.2, dated 30th Oct 2023- Annex C Risk Register- Annex D Milestone Payment Plan- Annex E Security Aspects Letter dated 3rd October 2023- Annex F Points of Clarification Issue 5 dated 10th October 2023- Annex G Contract Pricing Statement dated 6th November 2023 - Annex H List of Authorised Emergent Work - Appendix 3 to LDOUK Proposal ref. UKGB/BM/KW/JMS/MERLIN/0001/0004 dated 3rd August 2023* Appendix1 DEFFORM 111 ,
 |
| For Ministry of Defence:Name: **FOIA – Section 40 – Personal Information** Signature: Date: 6th November 2023 | For Leonardo Helicoptors Ltd:Name: Signature:Date:  |

Distribution:

DT PoC DT Finance DBS MoD QA

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| Further Information |
| **MERLIN MK 2 LOWER V/UHF ANTENNA (OBSOLESCENCE)**Leonardo UK Ltd (hereinafter referred to as the Contractor) submitted a proposal (UKGB/BM/KW/JMS/MERLIN/0001/0004, dated 3rd August 2023) to the Authority to introduce a Cooper Antenna P/N 21-30-110 onto the UK Merlin Mk2, in response to the Authority’s Modification Requirements Document reference EH22655 Issue 3 dated 6th October 2023. Following an update in the Schedule LDOUK submitted proposal (UKGB/BM/JM/JMS/MERLIN/0001/0022, dated 30th October 2023). The scope of the proposal was for the production of Modification Kits.The replacement antenna should provide the same performance/capability as the current antenna and be fully integrated (Fit, Form, Function) with the existing system. Integrate P/N 21-30-110 (Cooper Antennas) onto the Merlin Mk 2 platform to address the obsolescence of the Lower V/UHF Antenna (pt no. 17-110P17). All modifications are to be managed into the Merlin Aircraft Design iaw Merlin Design Change Processes, as detailed in the Merlin Configuration Management and associated Business Processes. New antenna to be fully interchangeable (same fit, form, function) as existing hardware to enable WOTSAC embodiment by FLC.Embodiment of new design will be undertaken by MOD personnel as part of normal maintenance. Embodiments of this modification will take place as both forward and depth maintenance activities in accordance with the modification leaflet by authorised FLC personnel as legacy spares are consumed.**In accordance with Section 3 of the Joint Modification Contracting Arrangement (JMCA), Document Number 700630373, dated 3rd October 2022 the following additional Terms and Conditions shall apply to this Contract only**: 1. AUTHORISATION BY THE CROWN FOR USE OF THIRD PARTY INTELLECTUAL PROPERTY RIGHTS
	1. Notwithstanding any other provisions of the Contract and for the avoidance of doubt, award of the Contract by the Authority and placement of any Emergent Work task under it does not constitute an authorisation by the Crown under Sections 55 and 56 of the Patents Act 1977 or Section 12 of the Registered Designs Act 1949. The Contractor acknowledges that any such authorisation by the Authority under its statutory powers must be expressly provided in writing, with reference to the acts authorised and the specific intellectual property involved.
2. ROYALTIES AND LICENCES
	1. In the event that royalty payments or licences to manufacture are required to enable performance of the Contract, the Contractor shall be responsible for making whatever arrangements are necessary to obtain such agreements and pay any fees levied. The cost of any such fees or agreements shall be included within the Contractor’s price. The Authority will not become involved in any dispute or negotiation over the settling of royalty payments or manufacturing licences.
3. PROVISION OF FINANCIAL DATA and Earned Value Management
	1. The level of Earned Value Management (EVM) to be applied to this contract is L5. The provisions of DEFCON 647 shall apply to the reporting required to meet this obligation.
4. LIMITATIONS ON LIABILITY
	1. No changes to the Limits of Contractor Liability agreed under the JMCA framework have been proposed as a result of this proposal.

 1. PRICING

**FOIA** **– Section 43 – disclosure of information is a trade secret**1. PAYMENT
	1. All payments shall be claimed on an electronic invoice message in accordance with:
		1. The Milestone Payment Plan at Annex D for Item 1
		2. The List of Authorised Emergent Work at Annex H for Item 1
	2. The Electronic Delivery Form (DEFFORM 129J) shall be submitted to the Authority’s nominated Project Officer for Authorisation. If authorised, the Project Office shall give authorisation for payment to be made by the Defence Business Services (DBS) by loading the relevant information into the Contracting, Purchasing and Finance Electronic Procurement Tool (CP&F) system.
	3. Payment shall be made upon the Contractor achieving the milestones specified at Annex D to this Contract to the satisfaction of the Project Team Leader or his authorised delegated representative.
2. GOVERNMENT FURNISHED ASSETS
	1. All assets shall be managed by the Contractor in accordance with the relevant DEFCONS in the JMCA overarching agreement and this call off contract.
	2. GFA to be provided as follows:

1. Logistic support data

8.1 LDOUK shall update existing logistic support data and associated deliverables in accordance with extant scope of support analysis for changes related to new or modified equipment pertaining to the embodiment of the Lower V/UHF Antenna Modification. |