Promoting Effective Competition in UK Defence Procurement:

The Case of UK Maritime Patrol
Interim Report

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July 2014
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PROMOTING EFFECTIVE COMPETITION IN UK DEFENCE PROCUREMENT:
THE CASE OF UK MARITIME PATROL

Toby Fenwick
Executive Summary

Speaking at the Royal United Services Institute (RUSI) in December 2013, the UK’s Chief of the Defence Staff General Sir Nick Houghton outlined a world of uncertainty and instability, notable for the advent of threats that are more diverse, less existential and less symmetric. Such a world of uncertainty places a particular premium on flexible, adaptable personnel and equipment. As became public through the tragic 2006 crash of a Nimrod MR2 maritime patrol aircraft conducting overland operations in Afghanistan, the UK’s maritime patrol capability had embodied precisely these flexible and adaptable qualities; it was a true Maritime Patrol Aircraft / Multi-Mission Aircraft (MPA/MMA).

Unsurprisingly, shortly after Nimrod MRA4’s cancellation, the UK MoD initiated studies to determine whether there was a need for an MPA/MMA. These studies concluded that there was. Described to the House of Commons Defence Select Committee (HCDC) in 2012 as “a capability gap,” the 2014 National Strategy for Maritime Security (NSMS) suggests that an MMA acquisition will be considered in the 2015 Strategic Defence and Security Review.

CentreForum’s interim findings agree that there is an MPA/MMA capability gap, and that the MoD’s 2011 conclusion that both Airbus C295 and Boeing P-8 Poseidon are viable contenders means that there can and should be a competition against published criteria.

Specifically, CentreForum’s interim recommendations include:

- Recognition by MoD that the UK has a capability gap, and a public acknowledgement that its internal studies have concluded, is best filled by a manned MPA/MMA;

- Establishment of formal requirement for a UK Multi-Mission Aircraft with Maritime Patrol and Anti-Submarine Warfare capabilities (MPA/MMA), with a competition to follow under the MoD’s established procurement principles;

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1 Annual Chief of the Defence Staff Lecture, General Sir Nicholas Houghton at the Royal United Services Institution, London, 18 December 2013. See: https://www.rusi.org/events/past/ref:E52B4A3D06EFD.
• Publication of platform and technology neutral assessment criteria including:
  ° Technical evaluation against the formal requirements and revised threat assessments;
  ° Affordability in acquisition and through life terms, including the cost of enabling assets to deliver the true cost of essential concurrency requirements;
  ° UK industrial considerations at production and through life;
  ° Ensuring the appropriate degree of UK operational sovereignty to ensure strategic and tactical autonomy;
  ° Scope for monetisation of UK MoD Intellectual Property through platform exports;
  ° Role of future military MPA/MMA in meeting the UK’s non-military national maritime patrol requirements, including domestic security;
  ° When costed on a sustainable basis, what is the break-even point between civilian and military crewed aircraft? Could Sponsored Reserves increase military flexibility? What is the value of this increased flexibility?;
  ° Scope for common NATO MPA/MMA procurement under the NATO Smarter Defence Initiative;
• Consideration of the European policy dimensions including European industrial considerations and whether the UK could achieve best value for money through co-development of a solution with like minded European nations;
• Consultation on the relative criteria weightings;
• Public statement from MoD Ministers that they will conduct an MPA/MMA competition as the MPA/MMA requirement is not suitable for a single-source procurement under the rules in the 2013 White Paper.
UK fixed-wing maritime patrol aviation

Britain is an island and thus a maritime nation. Since the dawn of aviation, military commanders have appreciated the multiplier effect provided by aviation on land and at sea. In World War II’s Battle of the Atlantic, Germany’s U-boats were defeated by a combination of naval escorts and long-range anti-submarine warfare (ASW) aircraft. This combination of aircraft, ships, helicopters and submarines provided UK anti-submarine capability throughout the Cold War. For the RAF, successive marks of the Shackleton served until replaced by the Nimrod from 1970.3

Derived from the pioneering Comet airliner, Nimrod evolved from the mid-1960s MR1 to the 1979 MR2, and from 1996 into the MRA4 programme. The delays and the 2006 Nimrod crash in Afghanistan4 led to the withdrawal of the Nimrod MR2 in March 2010 with an anticipated gap of 12 months pending the introduction of its Nimrod MRA4 replacement.5

By the 2010 Strategic Defence and Security Review (SDSR 10),6 Nimrod MRA4 was a long-troubled programme. What began as a 1996 £2.8bn fixed-price contract for 21 aircraft7 with an In-Service Date (ISD) of April 20038 had by 2010 become 9 aircraft for £3.4bn running 114 months late,9 with a unit-cost increase of 199%.10 Combined cost and certification uncertainties together with austerity cuts led to Nimrod MRA4 cancellation in October 2010. Thus, what had been intended to be a 12-month capability gap that could be filled imperfectly by the use of non-specialist platforms or by borrowing allied assets, became a permanent cost-driven capability loss as a result of SDSR 10.

7 Programme approved costs per The Major Projects Report 2011, National Audit Office, HC 1520-I, Session 2010-12, 16 November 2011, Figure 12, p. 25.
10 The NAO noted “Had the project not been cancelled in 2010 each Nimrod would therefore have cost, on average, £266 million more than originally intended at the main investment decision.” The Major Projects Report 2011, National Audit Office, HC 1520-I, Session 2010-12, 16 November 2011, paragraph 2.9, p. 22.
Is there a UK requirement for a maritime patrol aircraft?

The SDSR justified the Nimrod MRA4 cancellation, by noting the UK “will depend on other maritime assets to contribute to the tasks previously planned for [it].”\(^{11}\) The House of Commons’ Defence Select Committee (HCDC) took the Government to task in its SDSR 10 report,\(^{12}\) eliciting an admission from the Government that, “We regret that we had to cancel the Nimrod MRA4 programme ... there is currently no single asset or collection of assets that fully mitigates the resulting capability gap. This is an unwelcome consequence of the Nation’s financial position.”\(^{13}\)

In HCDC’s subsequent Future Maritime Surveillance investigation, Air Vice-Marshal Mark Green, then-Director, Joint and Air Capability and Transformation UK MoD was forced to admit that cancelling Nimrod MRA4 was “the least worst option.”\(^{14}\) Edward Ferguson, then-Head of Defence Strategy and Priorities, conceded that “Nimrod was a painful decision. There is a capability gap.”\(^{15}\) HCDC took a much less sanguine view on Nimrod MRA4 cancellation, noting that they “remain[ed] unconvinced that UK Armed Forces can manage this capability gap within existing resources.”\(^{16}\)

The MoD’s 2012 view that there was “no requirement for such an aircraft and that it is not funded”\(^{17}\) was half-true. There was a requirement which was being partially covered by other assets resulting in a capability gap, for which there was no funding to close. This led the HCDC to look for an explanation of “why it is satisfactory to wait until 2015 or beyond... particularly as the MoD acknowledge that an MPA is the solution in the short to medium term.”\(^{18}\)

\(^{11}\) “Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review”, HM Government, Cm 7948, October 2010, p. 27.

\(^{12}\) House of Commons Defence Committee, Ninth Special Report of Session 2010-12, The Strategic Defence and Security Review and the National Security Strategy

\(^{13}\) The Strategic Defence and Security Review and the National Security Strategy: Government Response to the Committee’s Sixth Report of Session 2010-12, House of Commons Defence Committee, Ninth Special Report of Session 2010-12, HC 1639, p. 19.


From early 2011 it was clear from the MoD’s actions – if not their public statements – that there was an unfunded UK MPA/MMA requirement. First, MoD has made provision of up to £60m for the Seedcorn programme\textsuperscript{19} that placed approximately 30 ex-Nimrod aircrew on extended exchange with the United States Navy (USN),\textsuperscript{20} Royal Canadian Air Force (RCAF), Royal Australian Air Force (RAAF) and Royal New Zealand Air Force (RNZAF).\textsuperscript{21} Officially referred to as retention of “core aircrew skills,”\textsuperscript{22} Seedcorn provides operational currency on a range of allied platforms\textsuperscript{23} for enough maritime aircrew to form a training cadre with limited operational capability, should the UK acquire a new maritime patrol or multi-mission aircraft (MPA / MMA) before 2020.\textsuperscript{24}

Second, no later than March 2011,\textsuperscript{25} MoD commissioned the independent Wide Area Maritime Underwater Surveillance (WAMUS) study.\textsuperscript{26} WAMUS reported in October 2011, and though it remains classified,\textsuperscript{27} two broad conclusions are known:

1. Having conducted an analysis of the alternatives available to meet the UK’s ASW requirements, WAMUS concluded that a manned aircraft was likely to be the UK’s ASW solution for at least the next 20 years.\textsuperscript{28}

2. There were two viable off-the-shelf contenders to meet this requirement: Airbus Military’s C295 MPA and Boeing’s P-8A Poseidon.\textsuperscript{29}

Taken together, funding Seedcorn and accepting the WAMUS findings demonstrates that the MoD assessed that there was a manned MPA/MMA requirement by late 2011. Publicly, the Government’s current position enunciated in the May 2014 National Strategy for Maritime Security (NSMS) is that “maritime surface and subsurface surveillance, will be considered in 2015, within the Strategic Defence and Security Review process.”\textsuperscript{30}

\textsuperscript{19} Interview I, June 2014
\textsuperscript{20} Unlike Britain and the major Commonwealth Air Forces, the US Navy operates land-based maritime patrol aircraft for military missions. Civilian tasking (e.g., search and rescue, SAR) is predominately in the hands of the US Coast Guard.
\textsuperscript{21} Interview C, June 2013.
\textsuperscript{23} US Navy P-8A Poseidon, RCAF CP-140 Aurora, RAAF AP-3C Orion, RNZAF P-3K2 Orion.
\textsuperscript{24} Interview C, June 2014.
\textsuperscript{25} Future Maritime Surveillance, House of Commons Defence Committee, Fifth Report of Session 2012-13, Volume I, HC 110, 19 September 2012, paragraph 60, p. 34.
\textsuperscript{26} Future Maritime Surveillance, House of Commons Defence Committee, Fifth Report of Session 2012-13, Volume I, HC 110, 19 September 2012, paragraph 55, p. 32.
\textsuperscript{29} Interview C, June 2014.
Defining the requirement

In common with other major military powers, the UK has a detailed procurement process, which begins with establishing a requirement. A capability audit against goals outlined in Defence Strategic Guidance, itself driven by national strategy, initiates the process. Where the capability audit identifies gaps, a requirement is raised to fill them.

The MoD’s current position appears to be that because there is no formal, funded requirement, there is no specification for industry to work to. Were a requirement to be identified and funded, then the normal Concept, Assessment, Demonstration, Manufacture, In-Service, Disposal (CADMID) acquisition process\(^\text{31}\) as defined in the 2005 MoD Acquisition Handbook\(^\text{32}\) would begin.\(^\text{33}\) There is no suggestion that the MPA/MMA represents such a special case that the CADMID process could be dispensed with.

With successive defence procurement reforms attempting to bring projects in on time and budget, the Concept phase is the key opportunity to detail and stabilise the requirement. In doing so, the Concept phase reduces risk. A McKinsey study for the MoD estimated that up to 15% of the total procurement cost should be spent in the Concept phase in order to deliver best value for money (VfM).\(^\text{34}\)

It is confusing that by November 2012, the MoD was simultaneously denying that a manned MPA/MMA requirement existed, concluding internally that it did, funding Seedcorn placements with allies, and inviting industry to contribute to a UK Joint Forces Command (JFC) owned study conducted by Niteworks.\(^\text{35}\) Entitled the Air ISTAR\(^\text{36}\) Optimisation Study (AIOS),\(^\text{37}\) AIOS explored whether there was budgetary headroom in the ISTAR budget to fund an MPA/MMA. In CADMID terms, AIOS is effectively a pre-concept phase.

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\(^{31}\) Returning Science to the Social (Making Sense of Confusion: A Case For Honest Reflection), Simon Reay Atkinson, The Shrivenham Papers, Defence Academy of the United Kingdom, Number 10, July 2010, p. 29.


\(^{33}\) Interview C, June 2014.

\(^{34}\) Interview F, June 2014.

\(^{35}\) Niteworks is a partnership between MoD and industry established in 2003 to collaborate on options appraisal and de-risking requirements, to help MoD make better, faster and more informed decisions. See: http://www.niteworks.net/what-we-do/

\(^{36}\) Intelligence, Surveillance, Target Acquisition and Reconnaissance.

AIOS is not an MPA/MMA requirements document; instead AIOS was due to report in April 2014 to inform the 2015 Strategic Defence and Security Review (SDSR 15).\(^\text{38}\) Indeed, AIOS explicitly ruled out using industry input to either “conduct a formal assessment of a preferred industry solution” or that this input “represent[ed] a formal bid”\(^\text{39}\). Thus, the last – and therefore theoretically the current – MPA requirements document remains 1993’s Air Staff Requirement (ASR) 420 to replace Nimrod MR2 that led to the Nimrod MRA4.

This is unsatisfactory.

Whilst elements of ASR 420 probably remain relevant today, much has changed since 1993, reflecting technological advances and the range of tasks that MPA/MMA now perform. Had a British MMA/MPA been available in the last 12 months, it is likely that would have been involved in overland counter-terrorism surveillance in East Africa, military operations in Mali and the Central African Republic, the searches for Malaysian Airlines flight MH370 and the yacht Cheeky Raafiki in addition to normal MPA tasking in non-traditional operating areas – e.g. Indian Ocean anti-piracy operations. Consequently, the starting point for any future MPA/MMA procurement is for MoD to issue a draft requirement and updated threat assessment ahead of a formal Concept phase.

Ignoring CADMID runs against a decade of expensively-won MoD procurement lessons. CADMID requires the MoD to estimate through-life costs, as a key part of Through Life Capability Management (TLCM).\(^\text{40}\) One of the key lessons has been the difference between buying equipment and procuring a capability. The former can narrowly be construed to encompassing selecting and contracting for the equipment itself, the latter is a much broader concept that actually delivers a defence capability through life. Together with the equipment itself, the non-equipment elements of a capability – Training, Personnel, Information, Doctrine and Concepts, Organisation, Infrastructure and Logistics – are known as the eight Defence Lines Of Development (DLODs).

Rushed, equipment-focussed decision-making driven by political requirements or a manufacturer’s superficially attractive offer carries with it the risk that the non-equipment DLODs are neglected. Outside of Urgent Operational Requirements (UORs) for immediate use in combat, such an outcome tends to be expensive in time and cost.

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\(^{38}\) AIOS Industry day Final for Release” Powerpoint slide pack, DSTL / Niteworks, 7 November 2012, Slide 11.

\(^{39}\) “AIOS Industry day Final for Release” Powerpoint slide pack, DSTL / Niteworks, 7 November 2012, Slide 15.

\(^{40}\) TLCM underpinned the 2006 “Enabling Acquisition Change” Report that merged the Defence Procurement Agency (DPA) and the Defence Logistics Organisation (DLO) into today’s Defence Equipment and Support (DE&S).
The introduction of WAH-64 Apache attack helicopters into the Army Air Corps provides a salutary example of poor contractual integration across the DLODs. Failure to manage capability across the DLODs by focussing narrowly on the helicopters, led to dozens of helicopters being delivered into storage for up to four years and more than £30m of wasted training costs. These failures rightly opened the MoD to significant public criticism.

The Role of Competition in Defence Procurement

Lord Levene’s 1984 defence procurement reforms made competition the default procurement position. There are few exceptions; the monopoly – monopsony seen in nuclear submarine construction, where the Royal Navy is the sole customer of BAE Systems’ submarine division is the best example. Nevertheless, despite competition being the norm, single-source procurements include some of the largest programmes, meaning that an average of £6bn per annum or 45% of MoD procurement was single source procurement between 2007–12.

The UK Defence Reform Act 2014 enacts the reforms to single-source procurement proposals outlined in the 2013 Better Defence Acquisition White Paper. Building on the 2012 National Security Through Technology White Paper, the bar for single-source procurement is set high: competition is the default unless the MoD “is unable to source its requirement through open competition”.

Under the right circumstances, the benefits of competition in defence are as real as in any other sector. The key is open competition driven by robust, objective criteria, with as much latitude as possible in meeting the requirements: customers benefit from greater choice, allowing them to trade-off cost, features, performance and delivery timescales depending on their requirements and budgets. Divergent approaches should be encouraged, and are a direct benefit of competition.

44 Interview E, June 2014.
45 Better Defence Acquisition: Improving how we procure and support Defence equipment, Cm 8626, Ministry of Defence, June 2013, paragraph 62, page 23.
47 Better Defence Acquisition: Improving how we procure and support Defence equipment, Cm 8626, Ministry of Defence, June 2013.
49 Better Defence Acquisition: Improving how we procure and support Defence equipment, Cm 8626, Ministry of Defence, June 2013, paragraph 61, p. 23.
As WAMUS concluded, there were at least two viable MPA/MMA contenders in 2011. Barring a significant revision in the requirement, MoD is obliged to run a competition. A failure to do so would make it difficult for MoD to demonstrate it had achieved VfM; a non-competitive single-source approach to MPA/MMA would rightly invite significant public criticism.

Running a future competition

Running a future MPA competition is not complicated. MoD’s Defence Equipment and Support (DE&S) agency would run it using the Concept, Assessment and Demonstration phases to produce a requirement against a threat assessment. It would then develop and evaluate the options, de-risking the acquisition, prior to a Main Gate acquisition decision.

Criteria for a future competition

What criteria should be used in assessing the competing proposals?

First, a technical evaluation of the competing products should be conducted against the requirement developed from the threat assessment and concurrency requirements. It is understood that the threat assessment has just been updated, which likely makes extant requirements obsolete. This underlines the need for proper Concept and Assessment phases prior to Demonstration and a Main Gate Acquisition decision. Both the updated threat assessment and operational concurrency requirements should be released to prospective bidders to tailor their responses.

Second, through-life affordability. A conventional programme using CADMID and TLCM methodologies and supporting processes provides the best assurance that MoD is achieving VfM given the national level of ambition expressed and available funding. As the UK’s concurrency requirements will be a major driver of aircraft numbers, the concurrency requirements with geographical constraints (“e.g., protecting an Trident submarine on patrol whilst protecting the aircraft carrier and escorts, conducting concurrent coalition anti-piracy operations in the Gulf of Oman and / or a national operation in the Falkland Islands) is essential. Where bidders assume the use of other enabling assets (e.g. in-flight refuelling, electronic intelligence gathering platforms), these assumptions should be tested and the fully absorbed costs of the enablers should be included.

50 Interview H, June 2014.
Third, UK industrial considerations. This encompasses both Acquisition phase contracts and through-life support workshare. For example, the recent purchase of the USAF’s RC-135 RIVET JOINT electronic intelligence gathering aircraft has locked the UK into through-life support with the USA’s L3 Communications. Whilst this ensures that the RAF benefits from USAF investments in RIVET JOINT, it also means an open-ended UK exposure to American support and upgrade costs. Any deviation from this fleet support and upgrade approach rapidly renders an asset procured in this way non-standard, much more expensive to support, and prone to unexpectedly early obsolescence.

Fourth, ensuring UK operational sovereignty by having the ability to support the MPA aircraft and its mission systems in national, Five-Eyes, NATO and allied operations. Operational sovereignty covers a continuum of support solutions, ensuring that the UK is able to adapt equipment as and when necessary to meet UK operational requirements. As a future UK MPA/MMA will be a key element in protecting the Trident submarines, MPA/MMA is likely to be skewed towards more onshore production and support capability to ensure that it can achieve this through-life.

Fifth, the exportability of the resulting platform should be considered; a platform with substantial UK content could monetise MoD intellectual property. MoD has funded key UK ASW technologies, and export revenues from these technologies will reduce the strain on the MoD’s budget. Conversely, a platform with limited UK content would not offer this potential for MoD third-party revenue.

Sixth, the role that a military MPA/MMA could play in meeting the UK’s non-military national maritime patrol requirements. Department for Transport and Cabinet Office have historically assumed the provision of long-range search and rescue (SAR) and major disaster response would be provided by MoD. With the withdrawal of Nimrod MR2, MoD are unable to provide specialised support. In considering replacement MPA/MMA, Government should consider whether it could close the significant capability gaps across military and civil aerial surveillance with a single solution. Could such a single solution maximise VfM if addressed as a coherently across Departmental boundaries? This includes SAR, Exclusive Economic Zone (EEZ) enforcement, borders enforcement, fisheries patrol, environmental assessment and remediation. This cross-governmental assessment should be linked to an analysis of whether there is scope for savings by fielding a high / low platform capability mix.

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51 This is currently affecting the UK’s E-3D Sentry airborne early warning aircraft after the decision to cancel Project Eagle which would have updated Sentry fleet in line with the US and NATO aircraft. Interview C, June 2014.
52 Interview H, June 2014.
53 The so-called Five Eyes Agreement is an information sharing arrangement between the USA, Australia, Canada, New Zealand and the UK, also known as AUSCANNZUKUS.
Seventh, drawing on the above, when considered on a sustainable basis (i.e., one in which the civilian contractor bears full crew training costs, either directly or through reimbursing MoD when employing former service personnel), what is the break-even point between civilian and military crewed aircraft? Could the use of Sponsored Reserves increase the flexibility of normally civilian crews by allowing them to be re-rolled as military assets as required?

Eighth, in light of NATO’s Smarter Defence Initiative what savings are realisable from a common allied MPA delivered to a common specification? Given the range of NATO members’ needs, it is likely that this will be delivered as a high / low capability mix.  

Ninth, the European policy dimension, including UK and European industrial considerations. Could the UK achieve best VfM through co-development of a solution to a common requirement with like-minded European nations, notably France, Germany, the Netherlands, Norway and Poland.

**Interim Recommendations**

- Recognition by MoD that the UK has a capability gap and a public acknowledgement that its internal studies have concluded is best filled by a manned MPA;
- Establishment of formal requirement for a UK Multi-Mission Aircraft with Maritime Patrol and Anti-Submarine Warfare capabilities (MPA/MMA), with a competition to follow under the MoD’s established procurement principles;
- Publication of platform and technology neutral assessment criteria including:
  - Technical evaluation against the formal requirements and revised threat assessments;
  - Affordability in acquisition and through life terms, including the cost of enabling assets to deliver the true cost of essential concurrency requirements;
  - UK industrial considerations at production and through life;
  - Ensuring the appropriate degree of UK operational sovereignty to ensure strategic and tactical autonomy;
  - Scope for monetisation of UK MoD Intellectual Property through platform exports;
  - Role of future military MPA/MMA in meeting the UK’s non-military national maritime patrol requirements, including domestic security;

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54 Interview F, June 2014.
When costed on a sustainable basis, what is the break-even point between civilian and military crewed aircraft? Could Sponsored Reserves increase military flexibility? What is the value of this increased flexibility?

Scope for common NATO MPA/MMA procurement under the NATO Smarter Defence Initiative;

European policy dimensions including European industrial considerations and whether the UK could achieve best value for money through co-development of a solution with like minded EU nations.

- Consultation on the relative criteria weightings;
- Public statement from MoD Ministers that they will conduct an MPA/MMA competition as the MPA/MMA requirement is not suitable for a single-source procurement under the rules in the 2013 White Paper.

About the author

Toby Fenwick began his involvement with CentreForum in 2011, and he published “Dropping the Bomb: A post-Trident Future” in March 2012. Currently a CentreForum Research Associate, Toby holds graduate degrees in international law and international relations from UCL and LSE. A former HM Treasury civil servant, he served in the RAF intelligence reserve from 1995 to 2009, and has written for Chatham House and undertaken research for the Parliamentary Assembly of the Council of Europe.

Acknowledgments

The author is grateful to current and former officers and civil servants, along with Nikki Stickland and Rachel Phillips of CentreForum for their support and assistance. The views expressed and any errors are the author’s alone.
Promoting effective competition in UK defence procurement: The case of UK maritime patrol

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