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Contract

Manufacture and Supply Agreement and Fleet Support Agreement for the delivery of the Deep Tube Upgrade Programme

Transport for London

F20: Modification notice

Notice identifier: 2022/S 000-001581

Procurement identifier (OCID): ocds-h6vhtk-030cc6

Published 19 January 2022, 12:12pm

Section I: Contracting authority/entity

I.1) Name and addresses

Transport for London

5 ENDEAVOUR SQUARE

LONDON

E201JN

Contact

Nalinee Jaipersad

Email

nalinee.jaipersad@tube.tfl.gov.uk

Country

United Kingdom

NUTS code

UKI41 - Hackney and Newham

Internet address(es)

Main address

<http://www.tfl.gov.uk>

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Manufacture and Supply Agreement and Fleet Support Agreement for the delivery of the Deep Tube Upgrade Programme

Reference number

2334_M_MSA

II.1.2) Main CPV code

- 34620000 - Rolling stock

II.1.3) Type of contract

Supplies

II.2) Description

II.2.2) Additional CPV code(s)

- 34622000 - Railway and tramway passenger coaches, and trolleybuses
- 34631000 - Parts of locomotives or rolling stock

II.2.3) Place of performance

NUTS codes

- UKI - London

Main site or place of performance

London

II.2.4) Description of the procurement at the time of conclusion of the contract:

Provision of new rolling stock and technical support for Deep Tube Upgrade Programme:

The scope includes

- (a) The design, manufacture, testing, commissioning and entry into passenger service of new rolling stock capable of GoA4 operation.
- (b) Integration and support to the railway system design.
- (c) The provision of maintenance and technical support services.

Comprising approximately 100 new trains with a nominal length of 113 m for the Piccadilly line, approximately 100 trains with a nominal length of 134 m for the Central line, approximately 40 trains with a nominal length of 113 m for the Bakerloo line and approximately 10 trains with a nominal length of 70m for the Waterloo & City line with each train offering an enhanced customer environment including saloon air-cooling and open wide gangways.

The trains shall be introduced on a line by line basis with the contract structure comprising an initial requirement for Piccadilly Line trains with options for the other lines.

The contract also provides LUL with options to purchase a number of additional trains for each line depending on the emerging service pattern.

II.2.7) Duration of the contract, framework agreement, dynamic purchasing system or concession

Duration in months

129

Section IV. Procedure

IV.2) Administrative information

IV.2.1) Contract award notice concerning this contract

Notice number: [2019/S 133-328240](#)

Section V. Award of contract/concession

Contract No

3244_M_5001

Title

Provision of new rolling stock and technical support for Deep Tube Upgrade Programme

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract/concession award decision:

18 November 2018

V.2.2) Information about tenders

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

V.2.3) Name and address of the contractor/concessionaire

Siemens Mobility Limited

24 Eversholt Street Euston House

London

NW1 1AD

Email

info.railsystems.gb@siemens.com

Country

United Kingdom

NUTS code

- UKI - London

Internet address

<https://new.siemens.com/global/en/products/mobility/contact.html>

The contractor/concessionaire is an SME

No

V.2.4) Information on value of the contract/lot/concession (at the time of conclusion of the contract;excluding VAT)

Total value of the procurement: £1,436,685,810

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

The High Court

Royal Courts of Justice, The Strand

london

WC2A2LL

Country

United Kingdom

VI.4.2) Body responsible for mediation procedures

Transport for London

5 Endeavour Square

London

E20 1JN

Country

United Kingdom

Internet address

www.tfl.gov.uk

VI.4.4) Service from which information about the review procedure may be obtained

The High Court

Royal Courts of Justice, The Strand

London

WC2A 2LL

Country

United Kingdom

Section VII: Modifications to the contract/concession

VII.1) Description of the procurement after the modifications

VII.1.1) Main CPV code

- 34622400 - Railway carriages

VII.1.3) Place of performance

NUTS code

- AT13 - Vienna

Main site or place of performance

Leberstr. 34, A1110 Vienna Austria

VII.1.4) Description of the procurement:

The scope and nature of the procurement remains as it was on the date the contract was concluded. See, in particular, the description at section II.2.4 above.

VII.1.5) Duration of the contract, framework agreement, dynamic purchasing system or concession

End date

30 August 2029

VII.1.6) Information on value of the contract/lot/concession (excluding VAT)

Total value of the contract/lot/concession:

£1,447,487,071.52

VII.1.7) Name and address of the contractor/concessionaire

Siemens Mobility UK Ltd

London

Country

United Kingdom

NUTS code

- UKI - London

The contractor/concessionaire is an SME

No

VII.2) Information about modifications

VII.2.1) Description of the modifications

Nature and extent of the modifications (with indication of possible earlier changes to the contract):

Late in the design phase, LUL discovered that the Instructor Operator Position as specified by LUL was unsuitable. If changes were not made, the fleet could not be accepted into use.

COVID-19 restrictions meant physical mock-ups were not available to LUL, which prevented the flaw being identified earlier.

Design changes were required to enable optimisation of the space for the instructor, namely removing the Saloon Operating Position from the Train Technical Specification. The changes impact the design of the driver's cab and the adjacent saloon (i.e. removal of 2 passenger seats, adjustments to saloon windows and CIS screens and repositioning of partition wall).

To minimise the cost of these changes, some contract terms were modified, including payment profile and key programme dates. A robust process was carried out to ensure the sum of the increase in price and the value of contractual changes does not exceed the estimated cost of implementing the design changes.

VII.2.2) Reasons for modification

Need for modification brought about by circumstances which a diligent contracting authority/entity could not foresee.

Description of the circumstances which rendered the modification necessary and explanation of the unforeseen nature of these circumstances:

LUL considers that Reg 88(1)(e) of the Utilities Contracts Regulations applies as the modifications are not substantial: the modifications do not change the character of the contract, would not have impacted the outcome of the procurement, do not shift the economic balance of the contract in favour of Siemens, and do not extend the scope of the contract. In particular, the cost increase reflects proportionate compensation for implementing the design changes. In addition and/or the alternative LUL considers that Reg 88(1)(c) applies as the modifications were brought about by circumstances which could not have been foreseen and do not alter the overall nature of the contract. In particular, the unavailability of physical mock-ups due to COVID-19 restrictions, which could not have been foreseen, prevented the design issue being identified sooner.

VII.2.3) Increase in price

Updated total contract value before the modifications (taking into account possible earlier contract modifications, price adaptations and average inflation)

Value excluding VAT: £1,447,487,071.52

Total contract value after the modifications

Value excluding VAT: £1,481,487,071.52