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Award

Network Rail (High Speed) High Output Midlife Ballast Refurbishment

Network Rail (High Speed) Limited

F15: Voluntary ex ante transparency notice

Notice identifier: 2025/S 000-002702

Procurement identifier (OCID): ocds-h6vhtk-04d66e

Published 27 January 2025, 1:14pm

Section I: Contracting authority/entity

I.1) Name and addresses

Network Rail (High Speed) Limited

Waterloo General Offices

London

SE1 8SW

Email

Richard.Connolly@networkrail.co.uk

Telephone

+44 1908781000

Country

United Kingdom

Region code

UK - United Kingdom

Internet address(es)

Main address

www.networkrail.co.uk

I.6) Main activity

Railway services

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Network Rail (High Speed) High Output Midlife Ballast Refurbishment

II.1.2) Main CPV code

- 50225000 - Railway-track maintenance services

II.1.3) Type of contract

Services

II.1.4) Short description

Cleaning and partial replacement of ballast materials forming part of the structure of the High Speed 1 railway line.

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: £89,000,000

II.2) Description

II.2.2) Additional CPV code(s)

- 45234130 - Ballast construction works

II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

Main site or place of performance

High Speed 1 railway line - Kent

II.2.4) Description of the procurement

Cleaning and partial replacement of ballast materials, currently planned to be delivered in three tranches over a 5 year period, forming part of the structure of the High Speed 1 railway line including but not limited to:

- Management and delivery of the detailed design and development works
- Undertaking and validation of the site investigations and survey information
- Access planning and control
- Contingency arrangements and planning
- Logistics and haulage
- Provisions of labour and all specialist plant and machinery
- Supply and quality assurance of ballast materials
- Compliant delivery of the renewal works
- Generation and issue of relevant handover documents and completion drawings

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

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

- The procurement falls outside the scope of application of the regulations

Explanation:

Network Rail (High Speed) Limited (NRHS) intends to enter into this contract with Network Rail Infrastructure Limited (NRIL) on the basis of Regulation 28(2) of the Utilities Contracts Regulations 2016. This provides that a contract falls outside UCR2016 where a controlled legal person which is a contracting authority awards a contract to its controlling contracting authority provided there is no direct private capital participation in the contracting authority being awarded the contract. NRIL is a contracting authority; it is ultimately owned by Network Rail Limited, a company limited by guarantee, of whom the Secretary of State for Transport is the sole member. NRHS is a wholly owned subsidiary of NRIL. NRHS considers that it is a contracting authority on the basis of the general test set out in Regulation 4, UCR2016. NRHS has legal personality as it is a private company limited by shares, incorporated in England and Wales. NRHS is subject to administrative, managerial and supervisory control by NRIL for the purposes of part (c)(ii) and (iii). NRHS's memorandum and articles of association provide for the appointment of directors to the board by ordinary resolution. NRHS's directors have the usual duties in the direction and management of its affairs as required of the directors of a limited company under UK company law. As NRIL is the sole shareholder of NRHS, its ability to make appointments to the board of directors means part (c)(iii) of the test is met. NRHS also considers it was "established for the specific purpose of meeting needs in the general interest" i.e. its activities were intended to and continue to almost entirely consist of services in relation to the High-Speed 1 line for HS1 Limited (under the long-term Operator Agreement between NRHS and HS1 Limited) including u, the provision of maintenance and renewals services and that those services should be regarded as meeting needs in the general interest. Activities of NRIL's subsidiaries are also constrained by Condition 16.1 of its Network Licence. NRHS further considers that it does not have an industrial or commercial character on the basis that it is strongly arguable that it does not operate in normal market conditions and that it is not clear that it would ultimately require to bear all risks associated with exercise of its activities. For these reasons, NRHS considers that it is a contracting authority and is entitled to make use of the exception from UCR2016 set out in Regulation 28(2). The contract to be awarded will place an obligation upon NRIL to carry out works relating to the cleaning and partial

replacement of ballast materials forming part of the structure of the High Speed 1 railway line which NRHS is responsible to HS1 Limited for the maintenance of.

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

27 January 2025

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

Network Rail Infrastructure Limited

Waterloo General Office

London

SE1 8SW

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: £89,000,000

V.2.5) Information about subcontracting

The contract/lot/concession is likely to be subcontracted

Section VI. Complementary information

VI.3) Additional information

Please note V.2.1 above did not permit a future date to be entered.

Network Rail (High Speed) Limited intends to observe a ten day standstill period following publication of this notice before entering into the contract.

VI.4) Procedures for review

VI.4.1) Review body

Royal Courts of Justice

The Strand

London

WC2A 2LL

Country

United Kingdom