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Award

## **Extension of Train Services Agreement (TSA) with Siemens PLC for Class 185 vehicles that are already operated on the TPE rail network.**

FIRST TRANSPENNINE EXPRESS LIMITED

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-009106

Procurement identifier (OCID): ocds-h6vhtk-03b6ed

Published 29 March 2023, 11:29am

### **Section I: Contracting authority/entity**

#### **I.1) Name and addresses**

FIRST TRANSPENNINE EXPRESS LIMITED

8th Floor, The Point, 37 North Wharf Road

London

W2 1AF

#### **Contact**

Stephen Stewart

#### **Email**

[stephen.stewart@firstrail.com](mailto:stephen.stewart@firstrail.com)

#### **Country**

United Kingdom

**Region code**

UKI32 - Westminster

**Companies House**

09111801

**Internet address(es)**

Main address

[www.tpexpress.com](http://www.tpexpress.com)

**I.6) Main activity**

Railway services

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**Section II: Object****II.1) Scope of the procurement****II.1.1) Title**

Extension of Train Services Agreement (TSA) with Siemens PLC for Class 185 vehicles that are already operated on the TPE rail network.

**II.1.2) Main CPV code**

- 50100000 - Repair, maintenance and associated services of vehicles and related equipment

**II.1.3) Type of contract**

Services

**II.1.4) Short description**

In preparation for an award of a National Rail Contract from the Department for Transport to Transpennine Express Limited (operated by First Group), it is intended to extend the TSA with Siemens PLC for the fleets of trains currently under a TSA with Siemens PLC. The TSA is expected to be extended in accordance with paragraph II.2.4 below.

The Contracting Authority will observe a 10 day standstill period from the date of issue of this notice prior to entering into the TSA extension with Siemens PLC.

The Standstill Period will end on 10th April 2023.

Please see PIN Ref (published by DfT) : 2022/S 000-006951 Dated 15th March 2022.

#### **II.1.6) Information about lots**

This contract is divided into lots: No

### **II.2) Description**

#### **II.2.3) Place of performance**

NUTS codes

- UKD - North West (England)
- UKE - Yorkshire and the Humber
- UKG - West Midlands (England)
- UKM - Scotland

Main site or place of performance

Services operated between

Saltburn / Newcastle / Scarborough / Hull / Cleethorpes and Manchester / Liverpool.

#### **II.2.4) Description of the procurement**

The Contracting Authority intends to extend the TSA in accordance with Regulation 50(1)(c)(ii) of the Utilities Contract Regulations 2016 for technical reasons.

TPE intend to award a TSA extension with Siemens PLC for the Class 185 rolling stock, the current TSA expires in May 2023 and it is intended to extend the TSA until May 2027 with the further option of extending until May 2031 or an option to extend the TSA from May 2023 to May 2031.

#### **II.2.11) Information about options**

Options: No

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## Section IV. Procedure

### IV.1) Description

#### IV.1.1) Type of procedure

Negotiated without a prior call for competition

- The works, supplies or services can be provided only by a particular economic operator for the following reason:
  - absence of competition for technical reasons

Explanation:

- The works, supplies or services can be provided only by a particular economic operator for the following reason:
- absence of competition for technical reasons

Explanation:

This fleet of trains have been in operation on the TPE network since 2006. The trains are:

1. Maintained at purpose-built depots across the TPE network. Any change in the maintenance provider would result in either (a) TPE having to re-diagram the whole fleet from alternative maintenance and servicing locations or (b) the entire Siemens TPE depot infrastructure and staffing being transferred to an alternative supplier. These activities cannot be completed within the timescales required.
2. All special tools and other equipment on the depot are managed by the maintenance provider. Some spares are owned by the maintenance provider. An alternative supplier will not be able to source these maintenance spares within the timescales required.
3. Siemens currently have the technical knowhow of the Class 185 fleet which have been built over the last 20 years of operation. Any change of maintenance provider will cause considerable disruption to the operation of the Class 185 fleet.
4. Due to the Class 185's being in the later part of their vehicle life, overhaul activities are being conducted on this fleet. Any change in supplier will disrupt this activity and affect the operation of the fleet on the network.

It will therefore be extremely difficult for any new maintenance provider to obtain DAA agreements, mobilise/train staff, tools, infrastructure etc prior to the 28th May 2023.

#### **IV.1.8) Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: No

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### **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**

29 March 2023

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### **Section VI. Complementary information**

#### **VI.4) Procedures for review**

##### **VI.4.1) Review body**

High Court

London

Country

United Kingdom