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Award

## **Extension of Train Services Agreement (TSA) with Hitachi Rail Limited for Class 802 vehicles that are already operated on the TPE rail network.**

FIRST TRANSPENNINE EXPRESS LIMITED

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-009317

Procurement identifier (OCID): ocds-h6vhtk-03b762

Published 30 March 2023, 2:34pm

### **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 Hitachi Rail Limited for Class 802 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 Hitachi Rail Limited for the fleets of trains currently under that TSA. 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 Hitachi Rail Limited.

The Standstill Period will end on 11th 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.2.2) Additional CPV code(s)**

- 60200000 - Railway transport services

#### **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

- Manchester, Preston, Carlisle, Glasgow and Edinburgh;
- Newcastle and Edinburgh; and,
- Liverpool, Manchester, Leeds, York and Newcastle.

#### **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 Hitachi Rail Limited for the Class 802 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:

Explanation:

This fleet of trains have been in operation on the TPE network since 2019. :

1. Hitachi use purpose-built depots across the TPE network.
2. All special tools and other equipment on the depot are managed by the maintenance provider.
3. HRE currently have the technical know-how of the Class 802 fleet which have been built over the last 4 years of operation on the TPE network. Any change of maintenance provider will cause considerable disruption to the operation of the Class 802 fleet.

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**

30 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