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Award

Extension of Lease Agreement with Nuclear Transport Solutions (NTS) for the Class 68 Locomotives already operated on the TPE rail network.

First Transpennine Express Limited

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-009510

Procurement identifier (OCID): ocids-h6vhtk-03b7d8

Published 31 March 2023, 3:14pm

Section I: Contracting authority/entity

I.1) Name and addresses

First Transpennine Express Limited

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LONDON

W21AF

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United Kingdom

Region code

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Companies House

09111801

Internet address(es)

Main address

www.tpexpress.com

I.6) Main activity

Railway services

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

Extension of Lease Agreement with Nuclear Transport Solutions (NTS) for the Class 68 Locomotives already operated on the TPE rail network.

II.1.2) Main CPV code

- 60200000 - Railway transport services

II.1.3) Type of contract

Services

II.1.4) Short description

The Contracting Authority intends to extend the Lease Agreement with Nuclear Transport Solutions (NTS) for the Class 68 Locomotives in accordance with Regulation 50(1)(c)(ii) of the Utilities Contract Regulations 2016 for technical reasons.

There is no other UK based fleets available in sufficient quantities or within the requisite timeframe to meet TPE's needs for the National Rail Contract.

TPE intend to award a Lease Agreement extension with Nuclear Transport Solutions (NTS) for the Class 68 Locomotives, the current Lease Agreement expires in May 2023 and it is intended to extend the lease until May 2024.

The Contracting Authority will observe a 10 day standstill period from the date of issue of this notice prior to entering into the lease extensions with Nuclear Transport Solutions (NTS).

The Standstill Period will end on 11th April 2023.

II.1.6) Information about lots

This contract is divided into lots: No

II.2) Description

II.2.2) Additional CPV code(s)

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

II.2.3) Place of performance

NUTS codes

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

II.2.4) Description of the procurement

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 Lease Agreement with Nuclear Transport Solutions (NTS) for the Class 68 Locomotives. The Lease Agreement is expected to be extended as per below;

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

There are no other UK based fleets available in sufficient quantities or within the requisite timeframe to meet TPE's needs for the National Rail Contract.

TPE intend to award a Lease Extension with Nuclear Transport Solutions (NTS) for the Class 68 Locomotives, the current Lease-Maintenance Agreement expires in May 2023 and it is intended to extend the lease until May 2024.

The Class 68's and the Mk5a operate as a SET (called Nova 3) but are maintained by different entities with the Class 68 Locomotives being leased and maintained by NTS.

We consider that there is no suitable replacement available for the Nova 3 trains by May 2023 in their entirety.

There are no Locomotives available in the UK market that can be used to power a Mk5a other than the Class 68 locomotive. The Mk5a coaches and class 68 locos were developed together as an integrated package for TPE. No other loco is currently compatible with the MK5a coaches. There, we conclude that there is no suitable replacement, either for the complete Nova 3 train, or for either of its constituent parts.

NTS provides a turnkey solution for maintenance. NTS has the technical know-how to carry out this maintenance, and no other provider would be capable of providing this requirement without that technical information.

The Standstill Period will end on 11th April 2023.

II.2.11) Information about options

Options: No

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

There is no other UK based fleets available in sufficient quantities or within the requisite timeframe to meet TPE's needs for the National Rail Contract.

The Contracting Authority will observe a 10 day standstill period from the date of issue of this notice prior to entering into the Lease Agreement Extension extension with Nuclear Transport Solutions (NTS).

The Standstill Period will end on 11th April 2023.

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

31 March 2023

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

High Court

London

Country

United Kingdom