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Tender

# **SUPPLY OF NEW ROLLING STOCK, SUPPORTING INFRASTRUCTURE AND MAINTENANCE SUPPORT SERVICES**

NORTHERN TRAINS LIMITED

F05: Contract notice – utilities

Notice identifier: 2024/S 000-015055

Procurement identifier (OCID): ocds-h6vhtk-0458e6

Published 10 May 2024, 4:15pm

## **Section I: Contracting entity**

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

NORTHERN TRAINS LIMITED

George Stephenson House, Toft Green

YORK

YO16JT

#### **Email**

[ntl.procurementfleet@northernrailway.co.uk](mailto:ntl.procurementfleet@northernrailway.co.uk)

#### **Country**

United Kingdom

#### **Region code**

UKE21 - York

## **Companies House**

03076444

## **Internet address(es)**

Main address

<https://www.northernrailway.co.uk/>

## **I.3) Communication**

Access to the procurement documents is restricted. Further information can be obtained at

<https://award.commercedecisions.com/dftr/web/project/8f1de141-0984-4d27-93c5-e4c83fc44fe7/register>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://award.commercedecisions.com/dftr/web/project/8f1de141-0984-4d27-93c5-e4c83fc44fe7/register>

## **I.6) Main activity**

Railway services

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

SUPPLY OF NEW ROLLING STOCK, SUPPORTING INFRASTRUCTURE AND MAINTENANCE SUPPORT SERVICES

#### **II.1.2) Main CPV code**

- 34600000 - Railway and tramway locomotives and rolling stock and associated parts

#### **II.1.3) Type of contract**

Supplies

#### **II.1.4) Short description**

The objective of this procurement is for Northern Trains Limited (NTL) to enter into one or more framework agreements with one or more suppliers for the manufacture and supply of new rolling stock (with associated equipment and including where necessary supporting infrastructure) and associated technical support and spares supply services across multiple phases and lots. This will enable NTL to replace significant quantities of its ageing fleet, enabling the avoidance of escalating costs associated with the operation, maintenance, repair, and leasing of an ageing fleet and delivering medium- and long-term value for the benefit of NTL, DfT, taxpayers and its customers. The contracts for the lots in the first phase are expected to be entered into simultaneously with entering into the framework agreement(s). NTL will separately procure an owning party to purchase each fleet of rolling stock and then lease the same to NTL. The owning party will also be party to each manufacture and supply agreement with each applicable supplier. There may be different owning parties for each lot and phase.

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

This contract is divided into lots: Yes

Tenders may be submitted for all lots

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

#### **II.2.1) Title**

Electronic Multiple Units (EMU's)

Lot No

1

## **II.2.2) Additional CPV code(s)**

- 34620000 - Rolling stock
- 34632300 - Electrical installations for railways
- 34946210 - Current-conducting rails
- 45234000 - Construction work for railways and cable transport systems
- 45340000 - Fencing, railing and safety equipment installation work
- 50220000 - Repair, maintenance and associated services related to railways and other equipment

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

NUTS codes

- UKC - North East (England)
- UKD - North West (England)
- UKE - Yorkshire and the Humber

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

NTL, a Train Operating Company (TOC) that operates passenger rail services across the North of England, is undertaking this procurement process to appoint one or more suppliers to manufacture and supply rolling stock (with associated equipment and including where necessary supporting infrastructure) for operation across the entire NTL Network, and to provide technical support and spares supply services in connection with the rolling stock across multiple phases and lots within budget and to meet the overall objectives and priorities of NTL pursuant to one or more framework agreements.

It is anticipated throughout the life of the framework agreements (i.e. across all lots) that NTL may procure, across multiple call-offs, from such lots up to 450 units.

The call-off contracts will be entered into in respect of 'phases and lots' of rolling stock orders, comprising of (i) a manufacture and supply agreement (ii) a technical support and spares supply agreement, and where necessary (iii) successful bidders would be required to implement associated infrastructure development agreements with third parties. The first call-off contracts are expected to be entered into simultaneously with the framework agreements. The manufacturing requirements in Lot 1 are for electric multiple units (EMU) including options to order further units and/or additional centre-vehicles.

In addition, the supplier will supply spares and special tools to accompany the fleet, and (subject to the exercise of options) the supply of mock-ups and a cab simulator. Subsequent phases may be required to replace further trains in NTL's existing fleet over a period of time.

For each lot and phase, NTL will also separately procure an owning party to purchase each fleet of rolling stock and then lease the same to NTL. The owning party will also be party to each manufacture and supply agreement with each applicable supplier. There may be different owning parties for each lot and phase.

Lot 1 is for Electric Multiple Units (EMU). A supplier may elect to bid for one or more lots. For Phase 1, the estimated requirements for Lot 1 are as follows:

Lot 1:- EMU - required for passenger service 2029-31 (associated fleet introduction or replacement - for Transpennine Route Upgrade): with an estimated requirement of 11 x 3-vehicle units.

Phase 2: Estimated requirements for units to be called off under Lot 1 during Phase 2 are as follows:

Lot 1:- EMU: an estimated requirement of 34 x 3-vehicle units and 16 x 4-vehicle units but please note that these units may alternatively be called off under Lot 2 or Lot 3 as a direct build to EMU. An analysis will be conducted at the outset of Phase 2 as regards which of the lots (Lot 1, Lot 2 or Lot 3) will offer the best solution for procurement of EMUs in Phase 2.

It is anticipated the successful Tenderer will offer:

a. the manufacture and supply of new rolling stock with a minimum design life of 35 years (from acceptance of the units) that meets NTL's train technical specification (inclusive of design, testing, obtaining relevant approvals, training, delivery and acceptance of the equipment and provision of warranties). New rolling stock design shall allow for the manufacture and integration of additional centre vehicles, if an option for the same is exercised by NTL or the owner.

b. rolling stock technical support and spares supply services, including technical support services (general technical advice; technical investigations; train failure investigation; maintaining an adequate supply of spares, special tools, and parts at designated depots;

maintenance, overhaul and repair of spares); supply of additional spares, special tools and parts; and additional services.

c. any supporting infrastructure design, build, delivery, commissioning, authorisations, maintenance, and asset mechanisms requirements for the design life and ownership.

d. demonstrable delivery of social value.

NTL has chosen to run the procurement using the Negotiated Procedure with prior call for competition under Regulation 47 of the Utilities Contracts Regulations 2016.

The term of the framework agreement will be 8 years. Call-off contracts for a manufacture and supply agreement and a technical support and spares supply agreement entered into pursuant to the framework agreement will exceed the duration of the framework agreement.

NTL is procuring on its own behalf and will enter into the relevant procurement documents where such contracts are awarded. However, the procurement documents also permit the transfer of the contracts to Transferee Train Operating Companies who in future may either (i) operate over any part of the NTL Network and/or (ii) lease or sub-lease of rolling stock. In the event that such provisions are utilised, this procurement is also to be for the benefit of the Transferee Train Operating Companies in accordance with regulation 56 of the Utilities Contracts Regulations 2016. However, NTL is responsible for the conduct of the procurement throughout and all correspondence and communication from suppliers is to be solely with NTL.

The meaning of Transferee Train Operating Companies includes all those train operating companies who, currently or in the future, provide services for the carriage of passengers by railway:

a) under a franchise agreement with the Secretary of State within the meaning of section 23(3) of the Railways Act 1993 or

b) under, or secured under, the Secretary of State's duty in section 30(1) of the Railways Act 1993; or

c) in accordance with legislation which supersedes or amends the powers referred to in a) and b), including where such powers are transferred from the Secretary of State to another body.

The list of current providers of services for the carriage of passengers by railway under these provisions can be found at <https://www.gov.uk/guidance/public-register-of-rail-passenger-contracts>.

## **II.2.5) Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

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

Duration in months

96

This contract is subject to renewal

No

### **II.2.10) Information about variants**

Variants will be accepted: No

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

Options: Yes

Description of options

Options will be detailed in the procurement documents.

## **II.2) Description**

### **II.2.1) Title**

Multi-mode Multiple Units (MMU's)

Lot No

2

### **II.2.2) Additional CPV code(s)**

- 34620000 - Rolling stock
- 34632300 - Electrical installations for railways
- 34946210 - Current-conducting rails

- 45234000 - Construction work for railways and cable transport systems
- 45340000 - Fencing, railing and safety equipment installation work
- 50220000 - Repair, maintenance and associated services related to railways and other equipment

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

NUTS codes

- UKC - North East (England)
- UKD - North West (England)
- UKE - Yorkshire and the Humber

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

NTL, a Train Operating Company (TOC) that operates passenger rail services across the North of England, is undertaking this procurement process to appoint one or more suppliers to manufacture and supply rolling stock (with associated equipment and including where necessary supporting infrastructure) for operation across the entire NTL Network, and to provide technical support and spares supply services in connection with the rolling stock across multiple phases and lots within budget and to meet the overall objectives and priorities of NTL pursuant to one or more framework agreements.

It is anticipated throughout the life of the framework agreements (i.e. across all lots) that NTL may procure, across multiple call-offs, from such lots up to 450 units.

The call-off contracts will be entered into in respect of 'phases and lots' of rolling stock orders, comprising of (i) a manufacture and supply agreement (ii) a technical support and spares supply agreement, and where necessary (iii) successful bidders would be required to implement associated infrastructure development agreements with third parties. The first call-off contracts are expected to be entered into simultaneously with the framework agreements. The manufacturing requirements for Lot 2 are for multi-mode multiple units (MMU), including options to order further units and/or additional centre-vehicles. MMU designs should be capable of configuration or reconfiguration as electric multiple units (EMUs) or battery electric multiple units (BEMUs).

In addition, the supplier will supply spares and special tools to accompany the fleet, and (subject to the exercise of options) the supply of mock-ups and a cab simulator. Subsequent phases may be required to replace further trains in NTL's existing fleet over a period of time.



For each lot and phase, NTL will also separately procure an owning party to purchase each fleet of rolling stock and then lease the same to NTL. The owning party will also be party to each manufacture and supply agreement with each applicable supplier. There may be different owning parties for each lot and phase.

Lot 2 is for Multi-mode Multiple Units (MMU) which are also capable of configuration as an EMU or a BEMU on later conversion or (for orders in subsequent phases) on construction. A supplier may elect to bid for one or more lots. For Phase 1, the estimated requirements for Lot 2 are as follows:

Lot 2:- MMU - required for passenger service 2029-31 (associated fleet introduction or replacement for Transpennine Route Upgrade): with an estimated requirement of 44 x 3-vehicle units and 66 x 4-vehicle units.

Phase 2: Estimated requirements for units to be called off under Lot 2 during Phase 2 are as follows:

Lot 2:- MMU: an estimated requirement of at least 30 x 3-vehicle units and 20 x 4-vehicle units (with potential for up to a further 34 x 3-vehicle EMUs, 16 x 4-vehicle EMUs and/or 26 x 4-vehicle BEMUs to be called off under Lot 2).

It is anticipated the successful Tenderer will offer:

- a. the manufacture and supply of new rolling stock with a minimum design life of 35 years (from acceptance of the units) that meets NTL's train technical specification (inclusive of design, testing, obtaining relevant approvals, training, delivery and acceptance of the equipment and provision of warranties). New rolling stock design shall allow for the manufacture and integration of additional centre vehicles, if an option for the same is exercised by NTL or the owner.
- b. multi-mode multiple units that are capable of in-life decarbonisation by the supplier, solutions should allow for: conversion of the units to become, or construction of units in subsequent phases as, either (i) electric multiple units, or (ii) (following the installation of additional on-board battery capacity and associated infrastructure by the supplier, including infrastructure associated with static and dynamic rolling stock traction battery charging, and direct electric traction battery charging) battery-electric multiple units. Such conversion may be triggered by NTL or the owner, and such units may be called off in subsequent phases with an initial configuration as either EMUs or BEMUs.
- c. rolling stock technical support and spares supply services, including technical support services (general technical advice; technical investigations; train failure investigation; maintaining an adequate supply of spares, special tools, and parts at designated depots; maintenance, overhaul and repair of spares); supply of additional spares, special tools and parts; and additional services.

d. any supporting infrastructure design, build, delivery, commissioning, authorisations, maintenance, and asset mechanisms requirements for the design life and ownership.

e. demonstrable delivery of social value.

NTL has chosen to run the procurement using the Negotiated Procedure with prior call for competition under Regulation 47 of the Utilities Contracts Regulations 2016.

The term of the framework agreement will be 8 years. Call-off contracts for a manufacture and supply agreement and a technical support and spares supply agreement entered into pursuant to the framework agreement will exceed the duration of the framework agreement.

NTL is procuring on its own behalf and will enter into the relevant procurement documents where such contracts are awarded. However, the procurement documents also permit the transfer of the contracts to Transferee Train Operating Companies who in future may either (i) operate over any part of the NTL Network and/or (ii) lease or sub-lease of rolling stock. In the event that such provisions are utilised, this procurement is also to be for the benefit of the Transferee Train Operating Companies in accordance with regulation 56 of the Utilities Contracts Regulations 2016. However, NTL is responsible for the conduct of the procurement throughout and all correspondence and communication from suppliers is to be solely with NTL.

The meaning of Transferee Train Operating Companies includes all those train operating companies who, currently or in the future, provide services for the carriage of passengers by railway:

a) under a franchise agreement with the Secretary of State within the meaning of section 23(3) of the Railways Act 1993 or

b) under, or secured under, the Secretary of State's duty in section 30(1) of the Railways Act 1993; or

c) in accordance with legislation which supersedes or amends the powers referred to in a) and b), including where such powers are transferred from the Secretary of State to another body.

The list of current providers of services for the carriage of passengers by railway under these provisions can be found at <https://www.gov.uk/guidance/public-register-of-rail-passenger-contracts>.

## **II.2.5) Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

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

Duration in months

96

This contract is subject to renewal

No

## **II.2.10) Information about variants**

Variants will be accepted: No

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

Options: Yes

Description of options

Options will be detailed in the procurement documents.

## **II.2) Description**

### **II.2.1) Title**

Battery Electrical Multiple Units (BEMU's)

Lot No

3

### **II.2.2) Additional CPV code(s)**

- 34620000 - Rolling stock
- 34632300 - Electrical installations for railways
- 34946210 - Current-conducting rails
- 45234000 - Construction work for railways and cable transport systems

- 45340000 - Fencing, railing and safety equipment installation work
- 50220000 - Repair, maintenance and associated services related to railways and other equipment

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

NUTS codes

- UKC - North East (England)
- UKD - North West (England)
- UKE - Yorkshire and the Humber

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

NTL, a Train Operating Company (TOC) that operates passenger rail services across the North of England, is undertaking this procurement process to appoint one or more suppliers to manufacture and supply rolling stock (with associated equipment and including where necessary supporting infrastructure) for operation across the entire NTL Network, and to provide technical support and spares supply services in connection with the rolling stock across multiple phases and lots within budget and to meet the overall objectives and priorities of NTL pursuant to one or more framework agreements.

It is anticipated throughout the life of the framework agreements (i.e. across all lots) that NTL may procure, across multiple call-offs, from such lots up to 450 units.

The call-off contracts will be entered into in respect of 'phases and lots' of rolling stock orders, comprising of (i) a manufacture and supply agreement (ii) a technical support and spares supply agreement, and where necessary (iii) successful bidders would be required to implement associated infrastructure development agreements with third parties. The first call-off contracts are expected to be entered into simultaneously with the framework agreements. The manufacturing requirements for Lot 3 are for battery electric multiple units (BEMU) including options to order further units and/or additional centre-vehicles. BEMU designs should be capable of configuration or reconfiguration as electric multiple units (EMUs).

In addition, the supplier will supply spares and special tools to accompany the fleet, and (subject to the exercise of options) the supply of mock-ups and a cab simulator. Subsequent phases may be required to replace further trains in NTL's existing fleet over a period of time.

For each lot and phase, NTL will also separately procure an owning party to purchase each fleet of rolling stock and then lease the same to NTL. The owning party will also be party to

each manufacture and supply agreement with each applicable supplier. There may be different owning parties for each lot and phase.

Lot 3 is for Battery Electric Multiple Units (BEMU) which are also capable of configuration as an EMU on later conversion or (for orders in subsequent phases) on construction. A supplier may elect to bid for one or more lots. For Phase 1, the estimated requirements for Lot 3 are as follows:

Lot 3:- BEMU - required for passenger service 2032-34: with an estimated requirement of 6 x 4-vehicle units. NTL will identify locations for BEMU development in which implementation and successful delivery may lead to additional BEMUs called off for the Network.

Phase 2: Estimated requirements for units to be called off under Lot 3 during Phase 2 are as follows:

Lot 3:- BEMU: an estimated requirement of 26 x 4-vehicle units but please note that:

(i) these units may alternatively be called off under Lot 2 as a direct build to BEMU. An analysis will be conducted at the outset of Phase 2 as regards which of the two lots (Lot 2 or Lot 3) will offer the best solution for procurement of BEMUs in Phase 2; and

(ii) there is potential for up to a further 34 x 3-vehicle EMUs and 16 x 4-vehicle EMUs to be called off under Lot 3.

It is anticipated the successful Tenderer will offer:

a. the manufacture and supply of new rolling stock with a minimum design life of 35 years (from acceptance of the units) that meets NTL's train technical specification (inclusive of design, testing, obtaining relevant approvals, training, delivery and acceptance of the equipment and provision of warranties). New rolling stock design shall allow for the manufacture and integration of additional centre vehicles, if an option for the same is exercised by NTL or the owner.

b. battery electric multiple units that are capable of in-life conversion to electric multiple units by the supplier (by removal of the on-board traction batteries). Such conversion may be triggered by NTL or the owner, and such units may be called off in subsequent phases with an initial configuration as EMUs.

c. rolling stock technical support and spares supply services, including technical support services (general technical advice; technical investigations; train failure investigation; maintaining an adequate supply of spares, special tools, and parts at designated depots; maintenance, overhaul and repair of spares); supply of additional spares, special tools and parts; and additional services.

d. any supporting infrastructure design, build, delivery, commissioning, authorisations, maintenance, and asset mechanisms requirements for the design life and ownership.

e. demonstrable delivery of social value.

NTL has chosen to run the procurement using the Negotiated Procedure with prior call for competition under Regulation 47 of the Utilities Contracts Regulations 2016.

The term of the framework agreement will be 8 years. Call-off contracts for a manufacture and supply agreement and a technical support and spares supply agreement entered into pursuant to the framework agreement will exceed the duration of the framework agreement.

NTL is procuring on its own behalf and will enter into the relevant procurement documents where such contracts are awarded. However, the procurement documents also permit the transfer of the contracts to Transferee Train Operating Companies who in future may either (i) operate over any part of the NTL Network and/or (ii) lease or sub-lease of rolling stock. In the event that such provisions are utilised, this procurement is also to be for the benefit of the Transferee Train Operating Companies in accordance with regulation 56 of the Utilities Contracts Regulations 2016. However, NTL is responsible for the conduct of the procurement throughout and all correspondence and communication from suppliers is to be solely with NTL.

The meaning of Transferee Train Operating Companies includes all those train operating companies who, currently or in the future, provide services for the carriage of passengers by railway:

a) under a franchise agreement with the Secretary of State within the meaning of section 23(3) of the Railways Act 1993 or

b) under, or secured under, the Secretary of State's duty in section 30(1) of the Railways Act 1993; or

c) in accordance with legislation which supersedes or amends the powers referred to in a) and b), including where such powers are transferred from the Secretary of State to another body.

The list of current providers of services for the carriage of passengers by railway under these provisions can be found at <https://www.gov.uk/guidance/public-register-of-rail-passenger-contracts>

## **II.2.5) Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

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

Duration in months

96

This contract is subject to renewal

No

### **II.2.10) Information about variants**

Variants will be accepted: No

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

Options: Yes

Description of options

Options will be detailed in the procurement documents.

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## **Section III. Legal, economic, financial and technical information**

### **III.1) Conditions for participation**

#### **III.1.2) Economic and financial standing**

Selection criteria as stated in the procurement documents

#### **III.1.3) Technical and professional ability**

Selection criteria as stated in the procurement documents

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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Type of procedure**

Negotiated procedure with prior call for competition

#### **IV.1.3) Information about a framework agreement or a dynamic purchasing system**

The procurement involves the establishment of a framework agreement

Framework agreement with several operators

Envisaged maximum number of participants to the framework agreement: 3

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

The procurement is covered by the Government Procurement Agreement: Yes

### **IV.2) Administrative information**

#### **IV.2.2) Time limit for receipt of tenders or requests to participate**

Date

12 July 2024

Local time

12:00pm

#### **IV.2.3) Estimated date of dispatch of invitations to tender or to participate to selected candidates**

23 September 2024

#### **IV.2.4) Languages in which tenders or requests to participate may be submitted**

English



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## Section VI. Complementary information

### VI.1) Information about recurrence

This is a recurrent procurement: No

### VI.3) Additional information

This procurement is being conducted under regulation 47 of the Utilities Contracts Regulations 2016, utilising the Negotiated Procedure with prior call for competition and will only be available through the AWARD e-Tendering platform.

If not already registered on AWARD, interested parties are encouraged to register at <https://award.commercedecisions.com/dftr/web/project/8f1de141-0984-4d27-93c5-e4c83fc44fe7/register> in order to participate in this opportunity. Any Selection Questionnaire (SQ) submissions that are not submitted by 12:00 BST on 12 July 2024 will be disqualified.

To access further procurement documents, interested parties will need to download the Non-Disclosure Agreement (NDA) which is available on AWARD. Interested parties should then complete and sign the NDA and submit the signed copy through AWARD.

Interested parties should note that this procurement may not result in the award of any contract, and the issue of this Contract Notice does not create any form of contract, implied or otherwise, between NTL and any other party, and that participation in the procurement process is entirely at the potential suppliers' own risk.

NTL may update the specification at specified intervals during the tender process to take account of Clarification Questions (CQ) received and it expressly reserves the right:

- 1) not to award any contract as a result of the procurement process commenced by the publication of this notice;
- 2) to make whatever changes it may see fit to the content and structure of the tendering competition;
- 3) to amend (a) contract(s) in respect of any part(s) of the services covered by this notice;
- 4) to award contract(s) in stages and in no circumstances will NTL be liable for any costs incurred by candidates; and
- 5) to clarify, fine tune and optimise final solutions with the relevant suppliers following selection of preferred bidders on each Lot.

Variant bids will not be permissible.

NTL intends to hold a Supplier/Candidate Briefing Session (limited to 4 delegates per supplier) on Friday 17th May 2024 at 10:00 BST. This Briefing Session will be held via Microsoft Teams and will include a short presentation on the scope, and timeframe of the procurement process. Interested parties must register their interest via the AWARD e-tendering messaging system with attendee details including name, email address and position, no later than 12:00 on Thursday 16th May 2024.

Contracts to be governed by English Law.

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

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

High Court of England and Wales

London

EC4A 1NL

Country

United Kingdom