

This is a published notice on the Find a Tender service: <https://www.find-tender.service.gov.uk/Notice/019051-2022>

Award

Supply of Clamplocks and Associated Items

Network Rail Infrastructure Ltd

F15: Voluntary ex ante transparency notice

Notice identifier: 2022/S 000-019051

Procurement identifier (OCID): ocds-h6vhtk-035114

Published 12 July 2022, 1:59pm

Section I: Contracting authority/entity

I.1) Name and addresses

Network Rail Infrastructure Ltd

1 Eversholt Street

London

NW1 2DN

Email

Shane.Bisgrove@networkrail.co.uk

Telephone

+44 1908781000

Country

United Kingdom

NUTS code

UK - United Kingdom

Internet address(es)

Main address

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

I.6) Main activity

Other activity

Railway Supply of Components

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Supply of Clamplocks and Associated Items

II.1.2) Main CPV code

- 34940000 - Railway equipment

II.1.3) Type of contract

Supplies

II.1.4) Short description

This is a voluntary ex ante transparency (VEAT) notice. This notice is to indicate that Network Rail intends to contract with SPX Flow Technology Limited for the purchase of Clamplocks/ Inbearer Clamplocks and associated items which form part of point operating systems.

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: £92,066,825.01

II.2) Description

II.2.2) Additional CPV code(s)

- 34632200 - Electrical signalling equipment for railways
- 34941800 - Railway points

II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

Main site or place of performance

UK Railway infrastructure as maintained by Network Rail.

II.2.4) Description of the procurement

It is a requirement that the Clamplock equipment is PA approved on the Network to ensure safe operation of the railway. The scope of works are purely limited to supply of components. Clamplocks are safety critical components for point operating mechanisms. Any failure of points operating equipment within the signalling/infrastructure introduces multiple risks to the network which could potentially result in line closure and delays with the possibility of injury arising from failure of points operating correctly. The requirement is national, with Clamplocks being used across the whole network. The supplier for this requirement is SPX Flow technology Limited, they have been supplying Clamplocks for the last 30 years to Network Rail and own all associated IPR relative to the assemblies and components for this requirement.

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:

This requirement falls under provision 50-1-C-iii of the Utilities Contract Regulations 2016, which stipulates that a procurement activity without call to competition may be implemented if exclusive rights such as intellectual property will be breached as a result. This is relevant to the designs of SPX as they currently hold IPR rights for all components constituting Clamplock assemblies. Given the above considerations, there are no other reasonable alternatives at this time that would satisfy Network Rails requirements. Justification for this STA can also be seen in 50-1-E of the Utilities Contract Regulations 2016, detailing the technical difficulty of adoption of new technology. It has been confirmed by Network Rail Technical Authority, that by changing the design from that other than that of SPX's, it would result in either incompatibility and or disproportionate technical difficulties, in approving/ commissioning new Clamplock systems.

IV.1.3) Information about a framework agreement

The procurement involves the establishment of a framework agreement

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

The procurement is covered by the Government Procurement Agreement: Yes

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

5 January 2022

V.2.5) Information about subcontracting

The contract/lot/concession is likely to be subcontracted

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

High Court

Royal Courts of Justice, The Strand

Country

United Kingdom