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Award

## **Automation and Datamatics installation**

Network Rail Infrastructure Ltd

F15: Voluntary ex ante transparency notice

Notice identifier: 2022/S 000-024315

Procurement identifier (OCID): ocds-h6vhtk-036479

Published 31 August 2022, 2:30pm

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

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

Network Rail Infrastructure Ltd

1 Eversholt Street

London

NW1 2DN

#### **Contact**

Rob Yems

#### **Email**

[Rob.Yems@networkrail.co.uk](mailto:Rob.Yems@networkrail.co.uk)

#### **Telephone**

+44 1908781000

#### **Country**

United Kingdom

**Region code**

UK - United Kingdom

**Internet address(es)**

Main address

[www.networkrail.co.uk/](http://www.networkrail.co.uk/)

Buyer's address

[www.networkrail.bravosolution.co.uk/web/login.html](http://www.networkrail.bravosolution.co.uk/web/login.html)

**I.6) Main activity**

Railway services

## **Section II: Object**

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

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

Automation and Datamatics installation

Reference number

25908

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

- 50222000 - Repair and maintenance services of rolling stock

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

Services

#### **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 Plasser UK Limited, for the Automation and Datamatics installation to Ballast Cleaning 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: £7,548,313.77

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

#### **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**

Network Rail seeks to retrofit its Ballast Cleaning Systems with critical safety enhancements, this activity is essential to protect safety of trackside workers.

The Original Equipment Manufacturer (OEM) is responsible for the safe integration of these modifications with other on-board systems and technology . Changes and modifications to these systems require the vehicle safety case to be validated following the change, regardless of whether the change is mechanical, electrical or software based. This validation requires access to the design data for the vehicle. In cases where the IPR for the design data is held by the OEM, changes to these vehicles must be designed, developed and implemented by the OEM. Only the OEM holds the information through exclusive rights driven by IPR retention and the OEM is required to underwrite the safety of the OTM. Additionally, and inflated by the IPR retention the supplier holds the technical competence required to carry out the works, it is considered unsafe for any other supplier to complete the works due to the intrusive nature of the modification which will include mechanical, electrical and software changes.

#### **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

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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:
  - protection of exclusive rights, including intellectual property rights

Explanation:

Network Rail Infrastructure Ltd ('NR') intends to place a contract with Plasser UK Limited for the BCS Automation and Datamatics installation.

Competition is absent due to intellectual property rights, compatibility and safety case considerations for the intrusive interoperable safety modification to the Ballast Cleaning Systems. It is considered that this contract can be placed using the Negotiated Procurement Without Prior Publication pursuant to Article 50 (c) (ii) and (iii) of Directive 2014/25/EU of the UK Utilities Contracts Regulations 2016. The value of the contract is GBP 7,548,313.77

Please note that this is a voluntary transparency notice and the contracts have not yet been awarded.

#### **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**

31 August 2022

#### **V.2.2) Information about tenders**

The contract has been awarded to a group of economic operators: No

#### **V.2.3) Name and address of the contractor/concessionaire**

Plasser UK Limited

Manor Road, West Ealing

London

W13 0PP

Country

United Kingdom

NUTS code

- UKI - London

National registration number

652432

The contractor/concessionaire is an SME

Yes

#### **V.2.5) Information about subcontracting**

The contract/lot/concession is likely to be subcontracted

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## **Section VI. Complementary information**

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

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

Royal Court of Justice

London

Country

United Kingdom