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Award

## **Lease of Class 175 DMUs**

First Greater Western Limited

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-027591

Procurement identifier (OCID): ocds-h6vhtk-0452a8

Published 29 August 2024, 2:27pm

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

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

First Greater Western Limited

Milford House, 1 Milford Street

Swindon

SN1 1HL

#### **Contact**

Stephen Stewart

#### **Email**

[stephen.stewart@firstrail.com](mailto:stephen.stewart@firstrail.com)

#### **Country**

United Kingdom

#### **Region code**

UKI32 - Westminster

**Companies House**

05113733

**Internet address(es)**

Main address

<https://www.gwr.com/>

**I.6) Main activity**

Railway services

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**Section II: Object**

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

**II.1.1) Title**

Lease of Class 175 DMUs

**II.1.2) Main CPV code**

- 34620000 - Rolling stock

**II.1.3) Type of contract**

Supplies

**II.1.4) Short description**

This VTN sets out First Greater Western Limited's ("GWR") intention to award a contract to Angel Trains Limited for the leasing of 70 x Class 175 Diesel Multiple Unit vehicles.

The contract will have provisions to potentially run until 2032.

**II.1.6) Information about lots**

This contract is divided into lots: No

**II.2) Description**

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

NUTS codes

- UK - United Kingdom

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

This VTN sets out GWR's intention to award a contract to Angel Trains Limited for the leasing of 70 x Class 175 Diesel Multiple Unit vehicles, to be in service from May 2025 on Devon and Cornwall routes.

GWR intends to observe a voluntary standstill period of at least 10 days from the date of publication of this VTN and will not enter into the contract during that period.

### **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:

Negotiated without a prior call for competition (in accordance with Regulation 50(1)(c) of the Utilities Contracts Regulations 2016 ("UCR"))

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:

GWR considers that the award of this contract is permitted pursuant to Regulation 50(1)(c) of UCR. Regulation 50(1)(c) of the UCR permits the use of the negotiated procedure without prior publication of a notice where the works, supplies or services can be supplied only by a particular economic operator because competition is absent for technical reasons, but only where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement.

GWR's view is that the supplies under the contract can be supplied only by Angel Trains Limited because competition is absent for technical reasons and no reasonable alternative or substitute exists. Due to the operational requirements of the Devon and Cornwall routes that the rolling stock will operate on, namely 100mph capability and ability to operate over steep gradients, minimum fuel range of circa 1000 miles, and 2 - 5 car formations with selective door opening, only Class 175s can meet all the requirements and are available with sufficient lead time to be in operation for May 2025. No alternative provider can provide the Class 175s. This absence of competition is not the result of an artificial narrowing down of the parameters of the procurement.

The contract will have provisions to potentially run until 2032.

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

The procurement is covered by the Government Procurement Agreement: No

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

##### **IV.2.1) Previous publication concerning this procedure**

Notice number: [2024/S 000-012351](#)

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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**

29 August 2024

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## **Section VI. Complementary information**

### **VI.3) Additional information**

Subject to internal governance approvals and receiving no notice of any intention to legally challenge the award of this contract, First Greater Western Limited intends to award the Contract on a date following conclusion of the voluntary standstill period (i.e. no earlier than 10th September 2024).

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

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

The High Court, Royal Court of Justice

The Strand

London

WC2A 2LL

Country

United Kingdom