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Not applicable

## **Contract for West Coast Partnership rail services. Currently operated by First Trenitalia West Coast Rail Limited**

THE DEPARTMENT FOR TRANSPORT

F14: Notice for changes or additional information

Notice identifier: 2022/S 000-028180

Procurement identifier (OCID): ocids-h6vhtk-0373b4

Published 7 October 2022, 10:02am

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

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

THE DEPARTMENT FOR TRANSPORT

Great Minster House,33 Horseferry Road

LONDON

SW1P4DR

#### **Email**

[railprocurement@dft.gov.uk](mailto:railprocurement@dft.gov.uk)

#### **Country**

United Kingdom

#### **Region code**

UKI32 - Westminster

## **Justification for not providing organisation identifier**

Not on any register

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## **Section II: Object**

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

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

Contract for West Coast Partnership rail services. Currently operated by First Trenitalia West Coast Rail Limited

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

- 60210000 - Public transport services by railways

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

Services

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

Contract for provision of long distance rail services on the UK conventional mainline rail system. They serve the key cities of London, Birmingham, Liverpool, Manchester, Edinburgh and Glasgow. It is envisaged the services would run between:

- (a) London Euston to Lichfield Trent Valley, Crewe, Preston and Glasgow Central;
- (b) Lichfield Trent Valley to Macclesfield and Manchester Piccadilly;
- (c) Crewe to Wilmslow and Manchester Piccadilly;
- (d) Crewe to Chester, Wrexham General and Holyhead;
- (e) Crewe to Liverpool Lime Street;
- (f) Preston to Blackpool North;
- (g) Carlisle to Edinburgh;
- (h) London Euston to Coventry, Birmingham New Street, Wolverhampton and Shrewsbury;

(i) Wolverhampton to Stafford; and

(j) Birmingham New Street to Wolverhampton, Stafford, Crewe and Glasgow or Edinburgh

There is a mixture of leisure, business and commuter travel. These services would be similar to those currently operated on the West Coast Partnership Franchise. In addition the contract may also include provisions to support the planning and preparation of services and works for HS2, for example to minimise disruption to passengers.

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## **Section VI. Complementary information**

### **VI.6) Original notice reference**

Notice number: [2020/S 217-534166](#)

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## Section VII. Changes

### VII.1) Information to be changed or added

#### VII.1.2) Text to be corrected in the original notice

Section number

VI.1

Place of text to be modified

Additional information

Instead of

Text

It is anticipated that the contract will have a duration in the region of 4 to 6 years in total and this is likely to include a core period of at least 4 years with an optional additional period or periods exercisable at the sole discretion of the contracting authority.

The contracting authority reserves the right not to proceed with the Direct Award as envisaged or to use an alternative method to procure an operator for the contract.

Without limiting that, it is currently anticipated that the grant of any Direct Award as envisaged in this notice will follow on from the completion of certain termination arrangements in respect of the extant franchise agreement entered into by the contracting authority and First Trenitalia West Coast Rail Ltd on 28 August 2019 (the 'Franchise Agreement'). The Franchise Agreement has been substantially varied by the Emergency Recovery Measures Agreement ('ERMA') entered into by the parties on 19 September 2020. Under the ERMA, First Trenitalia West Coast Rail Ltd must have completed the termination arrangements by 14 December 2020. If those arrangements are not completed by that date, the Secretary of State may terminate the ERMA. If the ERMA is terminated, the variations to the Franchise Agreement will fall away and the parties will revert to the underlying terms of the Franchise Agreement. In those circumstances, it is currently anticipated that the Direct Award as envisaged in this notice will not be made.

Read

Text

This notice is published in order to update (and to rectify) the previous prior information notice related to the West Coast Partnership Direct Award, which was published on the contracting authority's website on 20 August 2021. That previous notice had envisaged that a single direct award would be made for an envisaged duration of up to 10 years in

total. It is now envisaged that the precise future contractual arrangements will be different to that.

The current contractual arrangements for the West Coast Partnership are a franchise agreement entered into by the Secretary of State for Transport and the Operator on 28 August 2019 (the "Franchise Agreement"), as varied by the Emergency Recovery Measures Agreement ("ERMA") entered into by the parties on 19 September 2020.

On expiry of the current arrangements, the Secretary of State is making an interim direct award of a public services contract, to take the form of an extension to the duration of the Franchise Agreement as varied by the ERMA. This will extend the expiry date from 16 October 2022 to 1 April 2023. The decision by the Secretary of State to grant the interim award (by way of an extension on the same terms) constitutes the direct award of a public service contract for the purposes of Article 5(6) of Regulation 1370/2007, being a legally binding act confirming the agreement between the Secretary of State and the Operator to entrust to the Operator the continuing management and operation of public transport services for the relevant period subject to public service obligations.

It is currently envisaged that following the expiry of the interim award, a new successor direct award will be entered into with the Operator for a duration expiring no later than 17 October 2032. The duration of the successor award may be made up of a core term and one or more optional periods with the option(s) exercisable by the Secretary of State.

The envisaged total cumulative duration of the interim award plus the successor award will not exceed 10 years, consistent with the position described in the previous notice (and the envisaged duration stated in II.2.7 of this notice therefore remains unchanged).

The contracting authority reserves the right not to proceed with the interim direct award and / or the successor direct award as envisaged or to use an alternative method to procure an operator.

## **VII.2) Other additional information**

See also Notices 2021/S 000-006600, 2021/S 000-006726, and 2021/S 000-020422