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Contract

## **Repairs to Damaged Rolling Stock - C150**

Transport for Wales Rail Limited (Utility Buyer)

F06: Contract award notice – utilities

Notice identifier: 2022/S 000-035157

Procurement identifier (OCID): ocds-h6vhtk-038a3e

Published 13 December 2022, 10:35am

### **Section I: Contracting entity**

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

Transport for Wales Rail Limited (Utility Buyer)

3 Llys Cadwyn, Pontypridd

Rhondda Cynon Taf

CF37 4TH

#### **Email**

[clare.james@tfwrail.wales](mailto:clare.james@tfwrail.wales)

#### **Telephone**

+44 2920720500

#### **Country**

United Kingdom

#### **NUTS code**

UKL - Wales

**Internet address(es)**

Main address

<http://www.tfwrail.wales>

Buyer's address

[https://www.sell2wales.gov.wales/search/Search\\_AuthProfile.aspx?ID=AA80566](https://www.sell2wales.gov.wales/search/Search_AuthProfile.aspx?ID=AA80566)

**I.2) Information about joint procurement**

The contract is awarded by a central purchasing body

**I.6) Main activity**

Railway services

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## **Section II: Object**

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

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

Repairs to Damaged Rolling Stock - C150

#### **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**

Repair of two (2) Class 150 Diesel Multiple Units (DMUs)

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

This contract is divided into lots: No

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

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

- 50222000 - Repair and maintenance services of rolling stock

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

NUTS codes

- UKL - Wales

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

Transport for Wales Rail Limited (TFWR), whose ultimate owner is the Welsh Ministers, intends to place a contract on or about 30th November 2022 with Chrysalis Rail Services Limited (Chrysalis) for the procurement of a services contract for the repair of two (2) Class 150 Diesel Multiple Units (DMUs) (Contract).

This procurement falls to be regulated under the provisions of the Utilities Contracts Regulations 2016 (UCR 2016) as amended. It is considered that the Contract can be placed using the Negotiated Procedure without Prior Call for Competition in the United

Kingdom (UK) e-notification service via Sell2Wales (as required by the relevant legislation) and is lawful in accordance with regulation 50(1)(c)(ii) of the UCR 2016 for technical reasons. This is due to strict technical impracticality for any economic operator other than Chrysalis to access the DMUs and carry out the services required.

Following a serious collision, the DMUs were removed to premises owned and operated by Chrysalis for safekeeping after they suffered further damage from vandalism following on from the initial accident. The reasons for the selection of the Chrysalis facility for the storage were that the DMUs are gauge cleared to this location, there was no available space at TFWR facilities, there was an existing commercial agreement in place with Chrysalis for storage that enabled the DMUs to be moved quickly and the facility is close to TFWR engineering premises, enabling TFWR engineers ready access for inspections.

Any attempt to move the DMUs would require comprehensive detailed knowledge of the then current condition of the DMUs. Chrysalis has already undertaken an initial assessment, and it has taken several months to fully understand their current condition. Any attempt to remove the DMUs without this knowledge will cause significant additional damage to the DMUs and is likely to render them unrepairable. Further, the DMUs continue to deteriorate in storage and delays in the repair works are also likely to lead to further damage which could also render them unrepairable. Accordingly, whilst as a result of the inspections and assessments that have taken place, TFWR has concluded that the DMUs are currently repairable, any movement of them in their current state or delays to the repair works, possess a significant risk that the DMUs will be rendered unrepairable.”

Chrysalis has confirmed that no other supplier will be permitted access to its premises to undertake the repair works. Chrysalis is therefore the only economic operator that can meet TFWR’s requirement to provide the repair services required. As no other supplier can access the DMUs to carry out the services required, and as any attempt to move the DMUs will render them unrepairable, competition is therefore absent for technical reasons and there is no reasonable alternative available to TFWR.

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

Price

#### **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**

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:

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

Notice number: [2022/S 000-034206](#)

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## **Section V. Award of contract**

A contract/lot is awarded: Yes

### **V.2) Award of contract**

#### **V.2.1) Date of conclusion of the contract**

2 December 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**

Chrysalis Rail Services Ltd.

Landore Depot, Neath Road

Swansea

SA12NU

Country

United Kingdom

NUTS code

- UKL18 - Swansea

Internet address

<https://www.chrysalisrail.com>

The contractor is an SME

No

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## **Section VI. Complementary information**

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

(WA Ref:127414)

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

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

High Court

Royal Courts of Justice, The Strand

London

WC2A 2LL

Telephone

+44 2079477501

Country

United Kingdom