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Planning

London Overground 3 Concession

Transport for London/Rail for London Limited

T01: Prior information notice for public service contract

Notice identifier: 2024/S 000-036507

Procurement identifier (OCID): ocds-h6vhtk-04b5ad

Published 12 November 2024, 7:45am

Section I: Competent authority

I.1) Name and addresses

Transport for London/Rail for London Limited

5 Endeavour Square

LONDON

E20 1JN

Contact

TfL Rail Procurements

Email

TfLRailProcurements@tfl.gov.uk

Country

United Kingdom

Region code

UKI - London

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

<https://tfl.gov.uk/>

I.3) Communication

Additional information can be obtained from the above-mentioned address

I.4) Type of the competent authority

Body governed by public law

Section II: Object**II.1) Scope of the procurement****II.1.1) Title**

London Overground 3 Concession

II.1.2) Main CPV code

- 60210000 - Public transport services by railways

II.1.3) Type of contract

Services

Areas covered by the public transport services:

Rail transport services

Metro transport services

II.2) Description

II.2.3) Place of performance

NUTS codes

- UKI - London

Main site or place of performance

London and Greater London

II.2.4) Description of the procurement

This is a voluntary rectification of a Prior Information Notice (PIN) for services likely to be procured in relation to the provision of rail passenger services and other related services for London Overground. This notice is intended to rectify Periodic indicative notice reference 2023/S 000-009694 (Docklands Light Railway and Transport for London Rail Concessions) dated 3 April 2023.

This notice does not impact or otherwise further rectify the separate rectification notice made in respect of the Elizabeth line 2 and Transport for London Rail Concessions notice dated 24 October 2023 (notice reference 2023/S 000-031324).

The purpose of this notice is to update the market in relation to the expected process to appoint a successor operator to provide railway passenger services for London Overground.

It is currently anticipated that the Supplier Qualification (SQ) stage of the procurement process for the Elizabeth line will begin during the week commencing 25 November 2024. It is currently the intention that, notwithstanding that such notice is not required under regulation 1370/2007 (as amended, such regulation governing the procurement process and as explained in more detail below), a voluntary contract notice will be published at the commencement of the SQ stage of the procurement process for the London Overground 3 Concession.

II.2.7) Envisaged start date and the duration of the contract

Start date

3 May 2026

Duration in months

120

Section IV. Procedure

IV.1) Type of procedure

Request for expression of interest - only for rail

Section VI. Complementary information

VI.1) Additional information

1. This notice is published as a rectification of the previous voluntary prior information notice (corrigendum) relating to the London Overground 3 Concession (as well as Docklands Light Railway and Transport for London Rail Concessions), which was published on Find a Tender on 3 April 2023 (notice reference 2023/S 000-009694). The future contractual arrangements are expected to be different to what was envisaged in that notice. This rectification notice relates specifically to London Overground 3 and not to the other opportunities set out in that prior information notice.

2. Following further work, this rectification notice is intended to update the market as soon as possible about changes to certain information published in the previous prior information notice on 3 April 2023.

3. It is currently expected that Rail for London Limited (RfL), a wholly-owned subsidiary of Transport for London (TfL), will be responsible for the procurement of London Overground 3. If a contract is awarded at the end of the procurement process, it is expected that RfL will enter into any such contract. RfL's address is the same as TfL's set out in section 1.1 above.

4. Insofar as it relates to the London Overground 3 opportunity, the information set out in paragraphs 2, 3, 4, 5 and 6 of section II.2.14 of the voluntary prior information notice published on Find a Tender on 3 April 2023 remains applicable. Those paragraphs, insofar as they relate to the London Overground 3 opportunity, shall apply to this rectification notice as if they were set out in full herein.

5. The information set out in paragraph 8 of the voluntary prior information notice published on Find a Tender on 3 April 2023 set out expectations at that time relating to the Docklands Light Railway opportunity which was the subject of the same notice. A separate rectification notice was published in respect of the Elizabeth line 2 and Transport for London Rail Concessions dated 24 October 2023 (notice reference 2023/S 000-031324). This notice does not impact the information set out in relation to the Docklands Light Railway or Elizabeth Line 2 opportunities.

6. This rectification notice sets out current expectations relating to the London Overground 3 opportunity as at the date of its publication.

7. This procurement is expected to be organised as a procurement conducted in accordance with the requirements of Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road (Regulation 1370) as amended by Regulation (EC) No 1370/2007 (Public Service Obligations in Transport) (Amendment) (EU Exit) Regulations 2020 (the Regulation 1370 Amendment Regulations).

8. Regulation 1370 and the Regulation 1370 Amendment Regulations were revoked under paragraph 9 of Schedule 3 of The Public Service Obligations in Transport Regulations 2023 (the PSO Regulations). However, regulation 28(2) of the PSO Regulations provides that in relation to any procedure for the award of a public service contract that has commenced before 25 December 2023, Regulation 1370 and the Regulation 1370 Amendment Regulations are to continue to apply as they were in force immediately before 25 December 2023. This includes (at regulation 28(3) of the PSO Regulations) an information notice having been published under Article 7(2) of Regulation 1370 or any form of advertisement seeking offers or expressions of interest having been published.

9. As noted in paragraph 1, a notice (2023/S 000-009694) was published in relation to London Overground 3 which is the subject of this notice (in addition to Docklands Light Railway and the Elizabeth Line which formed part of the same notice). This was therefore published prior to the 25 December 2023 date referred to in regulation 28(2) of the PSO Regulations. Accordingly, Regulation 1370 (as amended by the Regulation 1370 Amendment Regulations) will apply to this procurement.

10. Regulation 1370/2007 requires a procedure to be adopted for competitive tendering which is open to all operators (with a preselection process permitted) and which is fair, observing the principles of transparency and non-discrimination. TfL/RfL intend to create a procurement process which meets these requirements. At this stage, TfL/RfL expect the procurement process to be, in broad terms, consistent with the competitive procedure with negotiation under the Utilities Contracts Regulations 2016 (UCRs). However, this should not be construed as TfL/RfL being bound to comply with the UCRs or voluntarily acceding to the UCRs or otherwise undertaking to comply with the UCRs. Regulation 1370/2007 will apply to this procurement. More information on the procurement process will be set out in the procurement documents issued at each stage of the procurement.