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Award

## **Train Services Agreement relating to the maintenance of Class 385 Train Units**

ScotRail Trains Limited .

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-041279

Procurement identifier (OCID): ocds-h6vhtk-04cc59

Published 20 December 2024, 4:12pm

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

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

ScotRail Trains Limited .

Atrium Court, 50 Waterloo Street

Glasgow

G2 6HQ

#### **Contact**

Rhona Milligan

#### **Email**

[rhona.milligan1@scotrail.co.uk](mailto:rhona.milligan1@scotrail.co.uk)

#### **Telephone**

+44 7771341526

#### **Country**

United Kingdom

**NUTS code**

UKM - Scotland

**Internet address(es)**

Main address

<https://www.scotrail.co.uk/>

Buyer's address

[https://www.publiccontractsscotland.gov.uk/search/Search\\_AuthProfile.aspx?ID=AA30589](https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA30589)

**I.6) Main activity**

Railway services

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**Section II: Object**

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

**II.1.1) Title**

Train Services Agreement relating to the maintenance of Class 385 Train Units

Reference number

SR-PACT-PROJ-205

**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 notice concerns the award of a Train Services Agreement (TSA) by Abellio ScotRail

Limited (Abellio) to Hitachi Rail (Hitachi) for both light and heavy maintenance services for 234 Class 385 Vehicles (Trains) operated by Abellio.

Abellio was not required to (and did not) undertake a regulated procurement in relation to the award of the TSA.

The TSA commenced on 3 March 2015, and was transferred to ScotRail Trains Limited (ScotRail) pursuant to a transfer scheme made by the Scottish Ministers under the Railways Act 1995 on 7 February 2022. The Trains are part of the train fleet used by ScotRail to discharge its obligations in relation to the provision of services for the carriage of passengers by railway under the grant agreement entered into by the Scottish Ministers, Scottish Rail Holdings Limited and ScotRail in June 2022 (the Grant Agreement).

The TSA will terminate on 31 March 2025 and SRT intends to extend the TSA to 31 March 2032 (as detailed in this notice) in order to procure the continued light and heavy maintenance of the Trains, Spares and Special Tools (the Services) required to allow it to continue to use the Trains as part of the train fleet required to allow ScotRail to discharge its obligations under the Grant Agreement.

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

This contract is divided into lots: No

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

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

- 34600000 - Railway and tramway locomotives and rolling stock and associated parts

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

NUTS codes

- UKM - Scotland

Main site or place of performance

Glasgow/Edinburgh, Scotland

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

SRT intends to modify the TSA to extend the end date to 31 March 2032 and make incidental changes as necessary to effect the extended end date and reflect the updated regulatory landscape.

Viewed in the context of the TSA the modification is not considered to be substantial within the meaning of Regulation 86(1)(e) of the Utilities Contracts (Scotland) Regulations 2016 (UCSR).

In any event, the modification is permitted by Regulation 86(1)(b) UCSR because a change of maintainer could not be made for economic or technical reasons and would cause significant inconvenience and/or substantial duplication of costs for ScotRail. Hitachi is the only maintainer with the necessary depot facilities, technical systems and capacity to provide the Services when the TSA terminates on 31 March 2025.

Hitachi has exclusive rights to perform light maintenance services at the relevant depot (Craigentinny Depot, Edinburgh) pursuant to Section 8 of the Railways Act 1993, and ScotRail considers that the light and heavy maintenance services are not separable. ScotRail considers that the extension is the optimum period needed to allow it to continue to provide vital rail services.

#### **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

#### **II.2.14) Additional information**

The figures provided in this notice are indicative estimates only. The relevant rates and prices within the TSA have been increased in line with indexation and also to reflect agreed overhauls / significant maintenance activities that the parties are aware will need to take place during the amended contract term. Additionally it does not cover any performance related or out of scope charges.

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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:

Please see section II.2.4 of this notice.

#### **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**

20 December 2024

#### **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**

Hitachi Rail Europe

Floor 7, 1 New Ludgate, 60 Ludgate Hill

London

EC4M 7AW

Country

United Kingdom

NUTS code

- UKI - London

The contractor/concessionaire is an SME

No

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## **Section VI. Complementary information**

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

For the avoidance of doubt this contract is going to be awarded to Hitachi Rail Limited (05598549) which is noted within PCS as Hitachi Rail Europe.

NOTE: To register your interest in this notice and obtain any additional information please visit the Public Contracts Scotland Web Site at

[https://www.publiccontractsscotland.gov.uk/Search/Search\\_Switch.aspx?ID=786496](https://www.publiccontractsscotland.gov.uk/Search/Search_Switch.aspx?ID=786496).

(SC Ref:786496)

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

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

High Court of Justiciary

Justiciary Buildings, 1 Mart Street, Saltmarket

Glasgow

G1 5JT

Country

United Kingdom

#### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

In accordance with Part 5 (Remedies) of The Utilities Contracts (Scotland) Regulations 2016.