

UK-London: Transport services (excl. Waste transport)

OJ S 8/2013 11/01/2013

Contract notice – utilities

Services

Directive 2004/17/EC

Section I: Contracting entity

I.1. Name and addresses

Official name: Docklands Light Railway Limited
Postal address: PO Box 154, Castor Lane, Poplar
Town: London
Postal code: E14 0DX
Country: United Kingdom
For the attention of: Ke Tran
E-mail: dlr.refranchise@tfl.gov.uk
Telephone: +44 2073639755
Fax: +44 2073639708

Internet address(es):

General address of the contracting entity: www.dlr.co.uk

Additional information can be obtained from:

the abovementioned address

Specifications and additional documents (including documents for a dynamic purchasing system) can be obtained from: the abovementioned address

Tenders or requests to participate must be submitted: Official name: Docklands Light Railway Limited

Postal address: PO Box 154, Castor Lane, Poplar
Town: London
Postal code: E14 0DX
Country: United Kingdom
For the attention of: David Keep
E-mail: David.Keep@dlr.tfl.gov.uk
Telephone: +44 2073639534
Fax: +44 2073639708

I.2. Main activity

Urban railway, tramway, trolleybus or bus services

I.3. Contract award on behalf of other contracting entities

The contracting entity is purchasing on behalf of other contracting entities: no

Section II: Object of the contract

II.1. Description

II.1.1. Title attributed to the contract by the contracting entity

Docklands Light Railway Franchise Contract

II.1.2. Type of contract and place of performance or delivery

Services

Service category No 18: Rail transport services

Main site or place of performance: London Docklands and surrounding areas.

NUTS code UKI London

II.1.3. Information about a framework agreement or a dynamic purchasing system

The notice involves a public contract

II.1.4. Information about framework agreement

II.1.5. Short description of the contract or purchase(s)

The contract is a new franchise agreement for the Docklands Light Railway. The contract will cover all aspects of train and passenger service operations over the Docklands Light Railway network and maintenance of associated assets (excluding the Lewisham extension), together with a number of ancillary requirements.

II.1.6. CPV code(s)

60000000 Transport services (excl. Waste transport), 60200000 Railway transport services, 60210000 Public transport services by railways, 50220000 Repair, maintenance and associated services related to railways and other equipment, 50222000 Repair and maintenance services of rolling stock

II.1.7. Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: no

II.1.8. Information about lots

This contract is divided into lots: no

II.1.9. Information about variants

Variants will be accepted: yes

II.2. Scope of the procurement

II.2.1. Total quantity or scope

The scope of the franchise agreement will include:

(a) train and passenger service operations over the whole Docklands Light Railway network and management of the automatic train control system; and

(b) the maintenance of all rolling stock and infrastructure excluding maintenance of the Lewisham extension infrastructure (which will continue to be carried out by the Lewisham Concessionaire). It is intended that the City Airport and Woolwich Arsenal extensions will also be maintained by the Franchisee from the start of this contract (this is dependent upon TfL /DLRL implementing changes to contracts with the existing Concessionaires).

The franchisee will be remunerated by a specified fee with a package of incentives for increased performance and deductions for below target performance.

II.2.2. Information about options

Options: yes

Description of options: The contract will be for an approximate initial period of 7 years with an option for Docklands Light Railway Limited to extend the period for up to approximately 24 months and an option for Docklands Light Railway Limited to extend the period further for up to approximately 7 months.

II.2.3. Information about renewals

This contract is subject to renewal: no

II.3. Duration of the contract or time limit for completion

Duration in months: 108 (from the award of the contract)

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

Parent company guarantees may be requested. Performance bonds and/or capitalisation of the franchisee (either fixed or contingent) may also be required as an alternative or in addition to parent company guarantees.

III.1.2. Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them

The franchisee will be remunerated by a specified fee with a package of incentives for increased performance and deductions for below target performance.

III.1.3. Legal form to be taken by the group of economic operators to whom the contract is to be awarded

No particular legal form is required, but if a contract is awarded to a consortium the contracting entity may require the consortium to form a legal entity before entering into the agreement. The contracting entity will also need to understand the governance arrangements between the parties and how day to day management will be undertaken.

III.1.4. Contract performance conditions

The performance of the contract is subject to particular conditions: yes
Description of particular conditions: The performance of the contract will be subject to the specific conditions set out in a bespoke franchise agreement.

III.2. Conditions for participation

III.2.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions: Please refer to the Pre-Qualification Questionnaire.

III.2.2. Economic and financial ability

List and brief description of conditions: Please refer to the Pre-Qualification Questionnaire.

III.2.3. Technical and professional ability

List and brief description of conditions: Please refer to the Pre-Qualification Questionnaire.

III.2.4. Information about reserved contracts

III.3. Conditions specific to services contracts

III.3.1. Information about a particular profession

Execution of the service is reserved to a particular profession: no

III.3.2. Information about staff responsible for the performance of the contract

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract: no

Section IV: Procedure

IV.1. Type of procedure

IV.1.1. Type of procedure

Negotiated

Some candidates have already been selected (if appropriate under certain types of negotiated procedures): no

IV.2. Award criteria

IV.2.1. Award criteria

The most economically advantageous tender in terms of the criteria stated in the specifications or in the invitation to tender or to negotiate

IV.2.2. Information about electronic auction

An electronic auction will be used: no

IV.3. Administrative information

IV.3.1. File reference number attributed by the contracting entity

IV.3.2. Previous publication concerning this procedure

Periodic indicative notice

Notice number in the OJ S: [2012/S 133-221708](#) of 13.7.2012

IV.3.3. Conditions for obtaining specifications and additional documents

(except for a DPS)

Time limit for receipt of requests for documents or for accessing documents: ..

Payable documents: no

IV.3.4. Time limit for receipt of tenders or requests to participate

8.3.2013 - 12:00

IV.3.5. Languages in which tenders or requests to participate may be submitted

English.

IV.3.6. Minimum time frame during which the tenderer must maintain the tender

IV.3.7. Conditions for opening of tenders

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.2. Information about European Union funds

The procurement is related to a project and/or programme financed by European Union funds: no

VI.3. Additional information

Respondents should note the following:

(a) The description provided in II.1.5 and the scope described in section II.2.1 represent the current anticipated requirements of Docklands Light Railway Limited. Docklands Light Railway Limited reserves the right to amend the description and/or the scope and/or adjust the duration of the contract as a result of emerging requirements.

(b) References to the minimum requirements to be met by any variant submitted and any

specific requirements for the presentation of an offer containing variants will be included in the invitation to tender.

(c) The duration of the contract stated in section II.3 is an estimate based on an initial contract period with a two year extension and a further seven month extension. Further information about contract duration and extensions will be included in the invitation to tender.

(d) Interested respondents must complete the pre-qualification questionnaire which can be obtained by emailing a request to DLR.Refranchise@tfl.gov.uk Respondents must note that any expression of interest submitted in response to the Periodic Indicative Notice for these services does not apply to this contract notice and the above procedure must be followed in order to receive the pre-qualification questionnaire.

(e) A response to this notice does not guarantee that an entity will be invited to tender; the process for selection for bidders to be invited to tender will be set out in the pre-qualification documents. The award process may be terminated or suspended at any time without cost or liability to Docklands Light Railway Limited, Transport for London (TfL) or any other party.

(f) Neither Docklands Light Railway Limited nor TfL binds itself to enter into any contract arising out of the procedures envisaged by this notice. No contractual rights express or implied arise out of this notice or the procedures envisaged by it. Any contract let by Docklands Light Railway Limited may contain provisions that the contract may be extended for the specified period and on the terms of the contract. Docklands Light Railway Limited reserves the right to vary the procedure relating to the conduct of the award process and to require further information from respondents.

(g) Docklands Light Railway Limited has developed an approach to ensure that past performance on relevant contracts/operations can be taken into account and assessed during the procurement process, and prior to entering into the contract. In addition to assessing the bidders' technical ability to deliver the contract, this will give Docklands Light Railway Limited confidence, based on past performance, that the successful Bidder will perform the contract in a satisfactory manner. Docklands Light Railway Limited will assess these requirements at the pre-qualification stage. In addition, bidders may be asked, at any subsequent procurement stage, to update the evidence they have provided in relation to past performance to reflect more recent performance on new or existing contracts, or to confirm that nothing has changed. Furthermore, Docklands Light Railway Limited reserves the right to request further information from referees at any procurement stage.

(h) Docklands Light Railway Limited embraces diversity and welcomes applications from all suitably skilled suppliers who can meet the requirements, regardless of gender, ethnicity, sexual orientation, faith, disability or age of supplier workforce and/or ownership. Docklands Light Railway Limited welcomes applications from suppliers committed to the principles of reducing, reusing and recycling resources and to the practices of buying recycled.

Docklands Light Railway Limited strongly supports and implements the Greater London Authority Group Responsible Procurement Policy, details of which may be found at:

<http://www.london.gov.uk/rp/policy/>

Further details as to the application of responsible procurement to this procurement may be set out in the pre-qualification and tender documents.

VI.4. Procedures for review

VI.4.1. Review body

Official name: High Court of England and Wales

Postal address: Royal Courts of Justice, The Strand

Town: London

Postal code: WC2A 2LL

Country: United Kingdom
Telephone: +44 2079476000

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: Docklands Light Railway Limited will incorporate a standstill period at the point information on the award of the contract is communicated to tenderers. That notification will provide full information on the award decision. The standstill period, which will be for a minimum of 10 calendar days, provides time for unsuccessful tenderers to challenge the award decision before the contract is entered into. The Utilities Contracts Regulations (SI 2005 No 6) provide for aggrieved parties who have been harmed or are at risk of harm by a breach of the rules to take action in the High Court (England, Wales and Northern Ireland).

VI.4.3. Service from which information about the review procedure may be obtained

Official name: Office of Government Commerce
Postal address: Rosebery Court, St Andrew's Business Park
Town: Norwich
Postal code: NR7 0HS
Country: United Kingdom
Telephone: +44 8450004999

VI.5. Date of dispatch of this notice

9.1.2013