



**Competition for Appointment to a
Framework for the Supply of
Double-Deck Buses**

Pre-Qualification Documents

Document 1 of 2: Information Memorandum

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IMPORTANT NOTICE

In this Important Notice, references to the Pre-Qualification Documents include all information contained herein and/or information/opinions made available to Candidates by or on behalf of the National Transport Authority (NTA), its advisers, contractors, servants and/or agents in connection with this competition (the “**Competition**”) including, without limitation, the information made available in response to any queries.

The information in this document is given for the guidance of Candidates only and does not purport to be comprehensive. It may be altered without notice at any time. The information in this document is confidential and is made available to each recipient on this basis.

This document is being made available by the NTA to Candidates on the terms set out herein. This document is not being distributed to the public nor has it been filed, registered or approved in any jurisdiction. Its possession or use in any manner contrary to any applicable law is expressly prohibited. Candidates shall inform themselves concerning, and shall observe, any applicable legal requirements.

Irish law is applicable to the Pre-Qualification Documents. The Irish courts shall have exclusive jurisdiction in relation to any disputes arising from the Pre-Qualification Documents.

The NTA does not warrant or represent that this document, or any other information given to Candidates, is accurate or complete. Neither the NTA nor its advisors accept liability for any error, misstatement, or omission (negligent or otherwise) in this document, or in any other information given to Candidates. None of the NTA or its advisers or any of their respective directors, officers, employees, agents or any other person owes any duty of care to any recipient either in relation to this document or any other information that a potential contractual party is provided with at any time. Recipients must undertake such investigations as they see fit before entering into any contract.

Save for Candidates’ obligations as to confidentiality as set out in this Important Notice and any undertakings in the Tender Documents, this document is neither a contract, nor part of a contract, nor an offer to make a contract. There will be no contract between the NTA and any Candidate (including, but not limited to, any contract in respect of this Competition) unless and until a contract is executed following the Competition. The NTA has no obligation to enter into any contract with any Candidate or Candidates.

Neither the NTA nor its advisors are liable for Candidates’ or Tenderers’ costs arising in connection with the procurement process outlined in this Information Memorandum, irrespective of the outcome of the competition, or if the Competition is cancelled or postponed.

The NTA has the right at any time and without notice to (i) terminate the Competition (or part of it), (ii) change the Competition’s basis or procedures, (iii) procure the contract(s) by other means, (iv) negotiate with one or more parties at any time, or to do any combination of the foregoing or anything else deemed appropriate. In no instance will the NTA be required to give any reason for any alteration or termination of the process.

If any past or future contracts or other documents are summarised or described in this document, or in other information given to Candidates, the summary or description must not be taken as comprehensive, or as a substitute for reading the contract or other document itself when available.

Candidates' attention is drawn to the Competition Act 2022 (as may be amended from time to time) which makes it a criminal offence to collude on prices or terms in a public procurement competition. Each Candidate's acceptance of delivery of the Pre- Qualification Documents constitutes its agreement to, and acceptance of, the terms set forth in this Important Notice.

Candidates should be aware of the Foreign Subsidies Regulation (Regulation 2022/2560) (the "FSR") which requires Candidates/Tenderers (including subsidiaries without commercial autonomy and holding companies, and main subcontractors and main suppliers involved in the competition, being those whose products or services relate to key elements of any Framework Agreement or exceed 20% of the value of any Framework Agreement) to notify the NTA whether they are in receipt of foreign financial contributions.

The following is a high-level summary of the FSR, but Candidates are directed to the FSR itself for a definitive explanation of the position. All summaries in this document are not warranted in terms of accuracy and are qualified entirely by the terms of the FSR itself, as well as the Implementing Regulation 2023/1441 of 10 July 2023 (the "Implementing Regulation") and any applicable EU guidance.

Each Candidate (including subsidiaries without commercial autonomy and holding companies, and main subcontractors and main suppliers involved in the Competition) is required to confirm that it has included within its Pre-Qualification Submission either:

- An FSR Notification in the form of Form FS-PP of the Implementing Regulation detailing foreign financial contributions received; or
- An FSR Declaration in the form of completed sections 1, 2, 7 and 8 of Form FS-PP of Implementing Regulation declaring that no notifiable foreign financial contributions were received.

Each Candidate must include either an FSR Notification or an FSR Declaration in its Pre-Qualification Submission, as applicable.

In determining whether an FSR Notification or an FSR Declaration should be submitted, Candidates are directed to the provisions of the FSR itself and to the Implementation Regulation. A high-level overview is provided below but is intended as a guide only and the provisions of the legislation shall be determinative.

The FSR applies to foreign financial contributions from third countries (i.e. any country other than the EU member states – for example the United Kingdom is a "third country" for these purposes). The following are included within the concept of a "foreign financial contribution":

- a) the transfer of funds or liabilities, such as capital injections, grants, loans, loan guarantees, fiscal incentives, the setting off of operating losses, compensation for financial burdens imposed by public authorities, debt forgiveness, debt to equity swaps or rescheduling;
- b) the foregoing of revenue that is otherwise due, such as tax exemptions or the granting of special or exclusive rights without adequate remuneration; or
- c) the provision of goods or services or the purchase of goods or services.

A financial contribution provided by a third country shall include a financial contribution provided by:

- a) the central government and public authorities at all other levels of such third country;
- b) a foreign public entity whose actions can be attributed to the third country, taking into account elements such as the characteristics of the entity and the legal and economic environment prevailing in the state in which the entity operates, including the government's role in the economy; or
- c) a private entity whose actions can be attributed to the third country, taking into account all relevant circumstances.

An FSR Notification shall be required where the foreign financial contributions from any third country have a value of €4million or above per third country (the "Notification Threshold") in the three (3) years prior to the date of the FSR Notification.

An FSR Declaration shall be required where foreign financial contributions from any third country do not reach the Notification Threshold in the three years prior to the date of the FSR Declaration. The NTA is required to transmit all FSR Notifications and FSR Declarations received to the European Commission, which may take various steps as set out in the FSR.

The NTA will not appoint to any Framework Lot any successful Tenderer who has received foreign financial contributions above the Notification Threshold until the European Commission has concluded its review or investigation.

Where the European Commission has determined that a particular Candidate/Tenderer may not be appointed to a Framework Lot by virtue of a distorting subsidy, the NTA shall eliminate the Candidate/Tenderer in question and may appoint the Tenderer having submitted the next ranked Tender to the Framework Lot.

The NTA is also entitled to make inquiries of Candidates/Tenderers to determine whether a Candidate/Tenderer is in receipt of a foreign financial contribution that has not been disclosed in the Pre-Qualification Submission and may also communicate to the European Commission any suspicions that it has that a Candidate/Tenderer may be in receipt of an undisclosed foreign financial contribution.

This is to advise Candidates that a MS Word version of the FS-PP form can be downloaded from the https://single-market-economy.ec.europa.eu/index_en website.

Alternatively, Candidates may want to consider using the on-line version of the FS-PP form which is more straightforward to complete and can be found here:

https://single-market-economy.ec.europa.eu/single-market/public-procurement/foreign-subsidies-regulation_en

Each Candidate must include either a FSR Notification or a FSR Declaration within its Pre-Qualification Submission.

1 INTRODUCTION

1.1 Background - NTA

The National Transport Authority is a statutory non-commercial body, which operates under the aegis of the Department of Transport. It was established on foot of the Dublin Transport NTA Act 2008 (the “**2008 Act**”).

While it was originally conceived as a transport NTA for the Greater Dublin Area under the 2008 Act, it was renamed the NTA in the Public Transport Regulation Act 2009 (the “**2009 Act**”). The 2009 Act, the Taxi Regulation Acts 2013 and 2016, the Vehicle Clamping Act 2015 and various Statutory Instruments have greatly extended the NTA’s functions and geographic remit. There remain some specific additional functions in respect of infrastructure and the integration of transport and land use planning in the Greater Dublin Area, reflecting the particular public transport and traffic management needs of the Eastern region of the country comprising approximately 40% of the State’s population and economic activity.

During 2013 the NTA’s taxi regulation functions continued to be governed by the Taxi Regulation Act 2003 pending the making of a Ministerial Order under the Taxi Regulation Act 2013 providing for the repeal of the 2003 Act and the commencement of the provisions of the 2013 Act.

In broad terms, the NTA’s statutory functions can be summarised as follows:

National (including the Greater Dublin Area):

- Procure public transport services by means of public transport services contracts;
- Provide integrated ticketing, fares and public transport information;
- Develop an integrated, accessible public transport network;
- License public bus passenger services that are not subject to a public transport services contract;
- Manage the Rural Transport Programme and the successor structure of Transport Co-ordination Units;
- Provide bus infrastructure and fleet and cycling facilities and schemes;
- Develop and implement a single public transport brand;
- Develop and maintain a regulatory framework for the control and operation of small public service vehicles (taxis, hackneys and limousines) and their drivers;
- Prepare statutory submissions on Regional Planning Guidelines;
- Collect statistical data and information on transport;
- Enforce EU passenger rights in rail, maritime and bus and coach transport;
- Validate EU authorisations and journey forms in relation to bus and coach travel in accordance with EU Regulation No. 1073/2009; and
- Operate as the national conciliation body for electronic toll service providers.

Greater Dublin Area alone:

- Undertake strategic planning of transport;
- Invest in all public transport infrastructure; and
- Develop the effective management of traffic and transport demand.

In addition to its statutory functions the NTA also undertakes a number of functions on behalf of the Department of Transport on a non-statutory basis.

The non-statutory functions include:

- Planning and funding of sustainable transport projects in the regional cities of Cork, Galway, Limerick and Waterford;
- Administration of the Smarter Travel Workplaces programme;
- Management of the Green Schools Travel programme; and
- Provision of accessibility funding to transport operators and other relevant bodies.

The NTA is governed by a Board of up to twelve members appointed by the Minister for Transport. Three positions on the Board are ex officio positions reserved for the Chief Executive, another senior manager of the NTA, and the Dublin City Manager.

Board members may be appointed for a period of up to five years and may be re-appointed. However, Board members may serve a maximum of ten years. This restriction does not apply to the ex officio members who stand appointed for as long as they occupy the relevant position.

The role of the Advisory Committee on Small Public Service Vehicles is to provide advice to the NTA or the Minister for Transport, as appropriate, in relation to issues relevant to small public service vehicles and their drivers.

Members of the Advisory Committee are appointed by the Minister for Transport.

1.2 Proposed Framework

The NTA is seeking to create a framework for the supply of three (3) different types of double-deck buses (the “**Framework**”). Particular requirements for the proposed buses are set out in Section 2.

While the NTA intends to acquire double-deck buses from the successful Tenderers who are appointed to the Framework (each a “**Framework Contractor**”), it intends to provide those buses to the operators of subvented public transport services, known as Public Service Obligation services (“**PSO Services**”), to operate in the performance of those services. Those operators include Bus Átha Cliath - Dublin Bus, Bus Éireann, Go-Ahead Ireland and City Direct. As part of the provision of buses to the NTA, each Framework Contractor will be required to enter into collateral agreements with the nominated operator in relation to vehicle warranties and other matters.

The indicative lotting structure for the Framework envisages a total of four (4) lots (each a “Framework Lot” or “Lot”) as follows:

Lot 1:

- Supply of Double-Deck Battery-Electric (two-axle) Buses
- The NTA intends to appoint one (1) Framework Contractor to this Lot

Lot 2:

- Supply of Double-Deck Battery-Electric (two-axle) Buses
- The NTA intends to appoint up to three (3) Framework Contractors to this Lot

Lot 3:

- Supply of Double-Deck Battery-Electric (three-axle) Buses
- The NTA intends to appoint one (1) Framework Contractor to this Lot

Lot 4:

- Supply of Double-Deck Regional Buses
- The NTA intends to appoint one (1) Framework Contractor to this Lot

The initial period of each associated Framework Agreement will be thirty (30) months, with the option to extend each Framework Agreement by a period or periods of up to a further sixty-six (66) months at the discretion of the NTA, even where one or more of the Framework Contractors has withdrawn from a Framework Agreement or one or more of the Framework Contractors does not wish to continue its participation in a Framework Agreement beyond the initial thirty (30) months.

Each Framework Agreement shall not exceed ninety-six (96) months in total.

Call-Off Orders for the supply of new buses may be issued to Framework Contractors as follows:

- Under Lots 1, 3 and 4: by issuing direct orders to the relevant Framework Contractor;

- Under Lot 2: by issuing direct orders for up to three (3) buses each to any number of Framework Contractors for the purposes of vehicle testing, demonstration, operational assessment or trialling. The purpose of these direct orders is generally to facilitate potential future orders and to:
 - confirm alignment with the NTA's specification and identify any adjustments required;
 - enable efficiencies between order and delivery of buses;
 - establish a working relationship between the NTA and Framework Contractors, and;
 - enable the NTA to understand/document the procedure required to fully bring the buses into service.

The buses delivered via direct orders under Lot 2 will not be used to rank or otherwise determine which Framework Contractor will receive an order under Lot 1 or Lot 2.

- Under Lot 2: by conducting further competition amongst the Framework Contractors under Lot 2.

Lots 1 and 2 both relate to the supply of the same general category of buses. Lot 1 is intended to operate as a single-supplier lot, whereas Lot 2 is intended to be used where an alternative procurement approach to issuing a direct order under Lot 1 is considered appropriate by the NTA.

1.3 Purpose

This document is one of two documents forming the Pre-Qualification Documents for the Competition to appoint Framework Contractors to a Framework for the supply of double-deck buses. It constitutes an Information Memorandum providing Candidates with general information regarding the scope of the Competition requirements and providing a description of the procurement process. Candidates should also refer to Document 2 of the Pre-Qualification Documents, comprising a Pre-Qualification Questionnaire to be completed by Candidates who wish to be invited to tender for appointment to one or more of the Framework Lots.

The purpose of this document is to provide potential Candidates with the information that they need to decide whether or not to participate in this Competition. As set out in the Important Notice, the NTA gives no warranty or representation as to the accuracy or completeness of the information and shall not be liable for any errors or omissions. The information will be supplemented by further and more detailed information in the Tender Documents.

1.4 Defined Terms

“Authorised Representative”	means the person nominated to execute all necessary agreements on behalf of an entity who is not a Member of a Candidate;
“Candidate”	means an economic operator which intends to submit, or has submitted a Pre-Qualification Submission, as context allows;
“Call-Off Order”	means an order for buses and/or ancillary products placed by the NTA with a Framework Contractor under a Framework Agreement pertaining to one of the Lots in accordance with the call-off procedure applying to that Lot;
“Competition”	means the procurement competition for appointment to the Framework;
“Framework”	means the Framework for the Supply of Double-Deck Buses;
“Framework Agreement”	means the agreement pertaining to one of the Framework Lots;
“Framework Contractor”	means a successful Tenderer appointed to one or more of the Framework Lots;
“Framework Lot”	means one of the lots within the lotting structure for the Framework;
“Information Memorandum”	means this document, which was made available via eTenders to economic operators

	seeking information and/or wishing to be considered for selection as a Qualified Candidate in relation to the Competition;
“Member”	means any economic operator which forms part of the Candidate;
“NTA”	means the National Transport Authority;
“Pre-Qualification Documents”	means the Information Memorandum and the Pre-Qualification Questionnaire;
"Pre-Qualification Questionnaire"	means the questionnaire accompanying the Information Memorandum, which was made available via eTenders to economic operators seeking information and/or wishing to be considered for selection as a Qualified Candidate in relation to the Competition;
“Pre-Qualification Submission”	means a Candidate’s response given to the NTA in respect of the Pre-Qualification Documents;
“PSO Services”	means Public Service Obligation services;
"Qualified Candidate"	means those Candidates that have been successful in applying for qualification and short-listing to tender for appointment to one or more of the Framework Lots in accordance with the Information Memorandum;
“Tender”	means the tender documentation submitted by a Tenderer on the basis of the latest version of the Tender Documents issued by the NTA before the Deadline for Receipt of Tenders;
“Tender Documents”	means the Invitation To Negotiate (inclusive of all appendices thereto) and the Framework Agreement (inclusive of the specifications and other schedules attaching thereto) pertaining to one of the Framework Lots that will be issued to the relevant Qualified Candidates; and
“Tenderer”	means any Qualified Candidate to whom Tender Documents are issued by the NTA in the second stage of this procedure (Invitation to Negotiate).

2 DESCRIPTION OF REQUIREMENTS

2.1 Overview of Requirements

The Framework is intended to permit the procurement from the Framework Contractors of three (3) different types of double-deck buses during the relevant periods of the relevant Framework Agreements. It is envisaged that the following quantities of double-deck buses may be procured under this Framework:

- up to 1,500 double-deck battery-electric (two-axle) buses;
- up to two hundred (200) double-deck battery-electric (three-axle) buses; and
- up to one hundred (100) double-deck regional buses.

The NTA reserves the right to procure a lower or higher quantity of each type of bus, and the right to decline to place any Call-Off Orders under any or all Framework Lot(s).

2.2 Particular Requirements

The buses to be provided under **each Framework Lot** are intended to:

- be equipped with a chassis incorporating a low-floor section within which, at a minimum, the following are located:
 - a front passenger doorway located forward of the front axle;
 - a permanent wheelchair space; and
 - four (4) priority seats;
- comply with Irish legislation in relation to suitability for use on public roads (including Statutory Instrument (S.I.) No. 201 of 2024);
- be laid out in a right-hand driving configuration; and
- have an efficient operational life of at least twelve (12) years.

The buses to be provided under **Lot 1 and Lot 2** are intended to:

- be two- (2-) axle double-deck battery-electric vehicles that meet the relevant definition of a 'zero emission vehicle' under the European Union's (EU's) revised 'Clean Vehicles Directive' 2019/1161/EU;
- be equipped with a traction battery pack capacity (i.e. total energy) of at least 350kWh, with the traction battery pack being capable of being recharged using a D.C. power input of at least 100kW supplied via a CCS2 charging gun; and
- be available in at least one vehicle length configuration within the range of 10500mm to 12000mm, with the only significant differences envisaged between each vehicle length configuration being the length of the wheelbase, the inclusion or omission of a centre doorway and the interior fit-out;
- be designed for both seated and standing passengers;
- conform to EU/UNECE Vehicle Category M3 and belong to UNECE Class I;

- be suitable for use on urban (e.g. city, town, etc.) and suburban routes with frequent passenger stops; and
- be suitable for travelling on mixed roadways at speeds of up to 65 kilometres per hour.

The buses to be provided under **Lot 3** are intended to:

- be three- (3-) axle double-deck battery-electric vehicles that meet the relevant definition of a 'zero emission vehicle' under the European Union's (EU's) revised 'Clean Vehicles Directive' 2019/1161/EU;
- be equipped with a traction battery pack capacity (i.e. total energy) of at least 350kWh, with the traction battery pack being capable of being recharged using a D.C. power input of at least 100kW supplied via a CCS2 charging gun;
- be available in at least one vehicle length configuration within the range of 11500mm to 15000mm, with the only significant differences envisaged between each vehicle length configuration being the length of the wheelbase, the inclusion or omission of a centre doorway and the interior fit-out;
- be designed for both seated and standing passengers;
- conform to EU/UNECE Vehicle Category M3 and belong to UNECE Class I;
- be suitable for use on urban (e.g. city, town, etc.) and suburban routes with frequent passenger stops; and
- be suitable for travelling on mixed roadways at speeds of up to 65 kilometres per hour.

The buses to be provided under **Lot 4** are intended to:

- be two- (2-) axle double-deck vehicles;
- be powered by a EURO VI compliant engine, minimum of 250hp and 6 litres, that can be fuelled with unblended Hydrotreated Vegetable Oil (HVO100), with fully automatic transmission;
- be available in at least one vehicle length configuration within the range of 10500mm to 12000mm, with the only significant differences envisaged between each vehicle length configuration being the length of the wheelbase, the inclusion or omission of a centre doorway and the interior fit-out;
- conform to EU/UNECE Vehicle Category M3;
- be suitable for use on regional routes; and
- be suitable for travelling on mixed roadways.

A full specification of each bus type will be issued as part of the Tender Documents to the relevant Qualified Candidates. The NTA reserves the right to alter the above requirements during the procurement process.

3 PROCUREMENT PROCESS

The competition will be conducted in accordance with the provisions of Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors. The competition is being run under the provisions of the negotiated procedure.

4 PRE-QUALIFICATION AND SELECTION OF CANDIDATES

Interested Candidates are invited to complete the Pre-Qualification Questionnaire, which must be returned as part of the Candidate's Pre-Qualification Submission to the NTA in accordance with the instructions in Section 0. Pre-Qualification Submissions will be assessed in accordance with the criteria set out in Sections 5 and 6 of this document.

It is intended that the pre-qualification procedure will consist of the following steps, any of which may be conducted in parallel, or which may be conducted in a different sequence:

- (i) Pre-Qualification Submissions will be checked to ensure completeness and compliance with the provisions of this Information Memorandum. Candidates which do not comply with the provisions of this Information Memorandum may be eliminated from the Competition;
- (ii) Pre-Qualification Submissions will be assessed as to whether they satisfy the minimum criteria for participation set out in Sections 5.1, 5.2, 5.3 and 5.4. Each of these criteria will be assessed on a pass/fail basis and any Candidate not achieving a pass in any criterion will be excluded from the Competition;
- (iii) Pre-Qualification Submissions will be assessed against the qualitative assessment criteria set out in Sections 6.1, 6.2 and 6.3. Each of these criteria will be assessed having regard to the marking system set out in Table 1 in Section 6. Any Candidate not achieving a minimum of 60% or more of the available marks in any criterion will be excluded from the Competition;
- (iv) The NTA intends to shortlist a maximum of six (6) Candidates for each of the four (4) Lots. The outcome of the qualitative assessment set out in Section 6 will determine these shortlists. In each shortlist, those Candidates who scored 60% or more of the available marks under each criterion set out in Sections 6.1, 6.2 and 6.3 will be ranked according to the overall summation of the marks scored by each of those Candidates under those criteria;
- (v) The NTA will inform Candidates of the outcome of the evaluation of their Pre-Qualification Submissions; and
- (vi) Successful Candidates will be invited to participate in the tender stage pertaining to the Framework Lot(s) to which the Candidate had indicated that it wished to be appointed in its completed Pre-Qualification Questionnaire.

Provided that there are a sufficient number of Qualified Candidates for a Lot, no more than six (6) Candidates will be included in the list of Candidates who will be invited to submit formal tenders for that Lot. In the event of a tie break for sixth place in the ranking for a Lot, the NTA reserves the right to invite more than six (6) Candidates to submit formal tenders for that Lot. The NTA does not undertake to accept any tender and the NTA may cancel the Competition at any time prior to any contract being agreed.

5 PRE-QUALIFICATION CRITERIA - PASS / FAIL CRITERIA

Candidates offering themselves for appointment under this Competition must satisfy the minimum criteria for participation set out in Sections 5.1 to 5.4 inclusive. Each of these criteria will be assessed on a pass or fail basis and any Candidate not achieving a pass in any criterion will be excluded from the Competition.

The minimum criteria for participation set out in Section 5.1 may be satisfied:

- (i) where the Candidate is a single economic operator, by the Lead Contractor as identified in the Candidate's Pre-Qualification Submission; or
- (ii) where the Candidate is a group of economic operators (and hence must be identified as such in 2.A.14 of the European Single Procurement Document ("ESPD") completed in respect of each economic operator), by the Lead Contractor as identified in the Candidate's Pre-Qualification Submission (and in the ESPD completed in respect of the Lead Contractor) in combination with one or more other Members of the Candidate (each of which must be identified as such in the ESPD completed in respect of each Member of the Candidate other than the Lead Contractor); or
- (iii) by the Lead Contractor as identified in the Candidate's Pre-Qualification Submission supported by another entity who is not a Member of the Candidate.

Where the Lead Contractor identified in the Candidate's Pre-Qualification Submission is relying upon the financial resources of an entity who is not a Member of the Candidate (for example, a parent company or a bus manufacturer) in order to satisfy the minimum criteria for participation set out in Section 5.1, such entity must provide written confirmation to the NTA that support will, in the event that the Candidate is appointed to a Framework Lot and enters into the associated Framework Agreement, be furnished to the Lead Contractor for the purposes of that Framework Agreement (refer to Section 8.11). This written confirmation from the entity providing the support must be included with the Candidate's Pre-Qualification Submission (refer to Appendix 2 for form of written confirmation). A guarantee from such entity may also subsequently be required as a condition of appointment to the Framework Lot.

The minimum criteria for participation set out in Sections 5.2 and 5.3 must be satisfied by the Lead Contractor identified in the Candidate's Pre-Qualification Submission.

The minimum criteria for participation set out in Section 5.4 must be satisfied by the Lead Contractor and by all other Members of the Candidate (where the Candidate is a group of economic operators) and by any other entity being relied upon by the Lead Contractor to satisfy the minimum criteria for participation set out in Section 5.1 (i.e. a separate ESPD must be completed in respect of each of these parties).

5.1 Overall Turnover (Pass / Fail Assessment)

Each Candidate must have a minimum turnover of €100,000,000 (or euro equivalent)¹ excluding VAT during its most recent full financial year.

¹ Note to Candidates: all financial information should be denominated in Euro where possible. Where financial information (such as financial statements or turnover details) is provided in a foreign currency, the prevailing

Evidence of such turnover must be demonstrated by:

- providing audited accounts in respect of the most recent full financial year for each entity to whom the turnover pertains **and** stating where such information is **clearly identifiable** therein;
or
- providing a letter of confirmation of the turnover for each entity to whom the turnover pertains that is signed by the auditor of the relevant entity in each instance.

5.2 Specific Vehicle Turnover (Pass / Fail Assessment)

Each Candidate must have a minimum turnover of €50,000,000 (or euro equivalent)² excluding VAT during one (1) of its three (3) most recent full financial years generated from the supply, to the European Economic Area (EEA), Switzerland and/or UK markets, of right-hand drive, low-floor, double-deck M3 Class I buses. For avoidance of doubt, a minimum of €50,000,000 turnover must be demonstrated during at least one (1) of the Candidate's three (3) most recent full financial years.

Evidence of such turnover must be demonstrated by:

- providing audited accounts pertaining to the Lead Contractor in respect of at least one (1) of the three (3) most recent full financial years **and** stating where such information is **clearly identifiable** therein;
or
- providing a letter of confirmation of the specific vehicle turnover signed by the Lead Contractor's auditor **and** clearly identifying the quantity of each specific bus model supplied;
or
- providing a letter of confirmation of the specific vehicle turnover signed by a director of the Lead Contractor **and** clearly identifying the quantity of each specific bus model supplied.

5.3 Insurance (Pass / Fail Assessment)

Candidates must provide a copy of the current insurance certificates in respect of product, public and employer's liability insurance or a broker's letter confirming that the Lead Contractor has product, public and employer's liability insurance and the levels thereof.

5.4 Grounds for Exclusion (Pass / Fail Assessment)

This criterion does not require a substantive response other than completing an ESPD (refer to Section 8.14) in respect of the Lead Contractor and any other Members of the Candidate (and any other entity being relied upon by the Lead Contractor to satisfy the minimum criteria for participation set out in Section 5.1).

As regards Regulation 57 of SI 284 of 2016, each economic operator associated with each Candidate must indicate using the ESPD that either no grounds for exclusion of that economic operator pursuant

Central Bank exchange rate for the relevant financial year shall be applied to convert the foreign currency values to Euro, as determined using the website www.centralbank.ie.

² See footnote 1.

to Regulation 57 apply, or that, although exclusion grounds do apply to that economic operator, the economic operator can, where permitted by Regulation 57, provide evidence to satisfy the NTA that measures taken by the economic operator are sufficient to demonstrate its reliability despite the existence of the exclusion grounds.

If the NTA considers that there are grounds for the exclusion of the Candidate, and the Candidate is unable to demonstrate to the satisfaction of the NTA that it should not be excluded (including failing to provide supporting documentation on request), the Candidate will be eliminated from the Competition.

If the NTA determines that there are grounds for exclusion under Regulation 57 of a Member of the Candidate or an entity being relied upon by the Lead Contractor, it may (where permitted by applicable law) ask the Candidate to replace the relevant Member or entity.

If a Candidate is asked to replace a Member or entity, and the Candidate does not do so, or the replacement does not meet the relevant selection criterion or is subject to exclusion under Regulation 57, the Candidate may be eliminated from the Competition.

6 PRE-QUALIFICATION CRITERIA - QUALITATIVE ASSESSMENT

Candidates will be evaluated under the qualitative assessment criteria set out in Sections 6.1, 6.2 and 6.3. The total number of marks available under each criterion is identified at the end of the relevant section.

Table 1 sets out the marking system that will be used in the evaluation of each of these three criteria. With reference to Table 1, the descriptions applying to the scoring band numbers are separate and not cumulative. Where a Candidate's response has elements of more than one (1) of the descriptions, the NTA will determine the appropriate scoring band number based on its professional judgment.

Scoring Band Number	Percentage of available marks awarded	Description
10	100%	Exceptional quality. No reservations.
9	90%	Excellent quality. Some slight reservations.
8	80%	Extremely good quality. Some minor reservations.
7	70%	Very good quality. Numerous minor reservations.
6	60%	Good quality. Some moderate reservations.
5	50%	Substandard quality. Some significant reservations.
4	40%	Very substandard quality. Numerous significant reservations.
3	30%	Poor quality. Some substantial reservations.
2	20%	Very poor quality. Numerous substantial reservations.
1	10%	Extremely poor quality. Profound reservations.
0	0%	No relevant response identified.

Table 1: Marking System for Qualitative Assessment Criteria

By way of a worked example:

There are 200 marks available for Criterion 1: Production Facilities, Resources and Capacity. These marks are apportioned as set out in Table 1, such that:

- If a Candidate is assigned a scoring band number of 10, the Candidate will receive 100% of the available marks, which means it will be awarded 200 marks for Criterion 1;
- If a Candidate is assigned a scoring band number of 9, the Candidate will receive 90% of the available marks, which means it will be awarded 180 marks for Criterion 1;
- If a Candidate is assigned a scoring band number of 8, the Candidate will receive 80% of the available marks, which means it will be awarded 160 marks for Criterion 1;
- If a Candidate is assigned a scoring band number of 7, the Candidate will receive 70% of the available marks, which means it will be awarded 140 marks for Criterion 1;
- If a Candidate is assigned a scoring band number of 6, the Candidate will receive 60% of the available marks, which means it will be awarded 120 marks for Criterion 1;
- If a Candidate is assigned a scoring band number of 5, the Candidate will receive 50% of the available marks, which means it will be awarded 100 marks for Criterion 1;
- If a Candidate is assigned a scoring band number of 4, the Candidate will receive 40% of the available marks, which means it will be awarded 80 marks for Criterion 1;
- If a Candidate is assigned a scoring band number of 3, the Candidate will receive 30% of the available marks, which means it will be awarded 60 marks for Criterion 1;

- If a Candidate is assigned a scoring band number of 2, the Candidate will receive 20% of the available marks, which means it will be awarded 40 marks for Criterion 1;
- If a Candidate is assigned a scoring band number of 1, the Candidate will receive 10% of the available marks, which means it will be awarded 20 marks for Criterion 1;

Each Candidate must receive 60% or more of the available marks in each individual qualitative assessment criterion to become a Qualified Candidate for the relevant Lot(s); the minimum marks required under each criterion (based on the available marks) is identified at the end of the relevant section (i.e. Sections 6.1, 6.2 and 6.3). Candidates who receive less than 60% of the available marks under any criterion will be excluded from the Competition.

Where a Candidate is relying upon an entity who is not a Member of the Candidate in order to satisfy the criteria for participation set out in Sections 6.1, 6.2 and 6.3, such entity must provide written confirmation of such support (refer to Section 8.11). This written confirmation from the entity providing the support must be included within the Candidate's Pre-Qualification Submission (refer to Appendix 3 for form of written confirmation). A guarantee from such entity may also subsequently be required as a condition of appointment to a Framework Lot.

6.1 Criterion 1: Production Facilities, Resources and Capacity

The production facilities, production resources and level of production capacity available to the Candidate for the production of right-hand drive, low-floor double-deck M3 Class I buses, as well as the resources that the Candidate has assigned to undertaking research, design, development and testing activities pertaining to right-hand drive, low-floor double-deck M3 Class I buses.

Note: where the chassis and body of a bus are produced in different locations, the production facilities, production resources and level of production capacity available at each location must be described individually.

Available marks = 200. Minimum marks required = 120 marks (i.e. 60% of the available marks).

6.2 Criterion 2: Relevant Experience

In respect of each Candidate seeking to be appointed to Lot 1 and Lot 2, the Candidate's experience, over the last three (3) years, in the supply of right-hand drive, low-floor, two-axle double-deck battery-electric M3 Class I buses to the European Economic Area ("EEA"), Switzerland and/or UK markets.

In respect of each Candidate seeking to be appointed to Lot 3, the Candidate's experience, over the last three (3) years, in the supply of right-hand drive, low-floor, three-axle double-deck battery-electric M3 Class I (or equivalent classification) buses to established international markets where such vehicle types are commonly operated.

In respect of each Candidate seeking to be appointed to Lot 4, the Candidate's experience, over the last three (3) years, in the supply of right-hand drive, low-floor, two-axle double-deck buses powered by a EURO VI compliant engine to the EEA, Switzerland and/or UK markets.

Available marks = 200. Minimum marks required = 120 marks (i.e. 60% of the available marks).

6.3 Criterion 3: Project Management and Quality Assurance

The demonstrable effectiveness of those project management and quality assurance measures identified as having been applied by the Candidate during one (1) or more of the reference contracts demonstrating the Candidate's relevant experience in order to ensure that the bus(es) supplied under the contract(s) were delivered on-time and to an acceptable quality standard.

Available marks = 200. Minimum marks required = 120 marks (i.e. 60% of the available marks).

7 FORMAT OF RESPONSES

Candidates must complete the Pre-Qualification Questionnaire, Document 2 of 2 of the Pre-Qualification Documents. The Pre-Qualification Questionnaire contains a list of other materials which must be submitted as part of the Pre-Qualification Submission.

8 GENERAL PROVISIONS

8.1 Consortia

It is currently anticipated that the Lead Contractor identified in the Candidate's Pre-Qualification Submission will, in the event that the Candidate is appointed to one or more of the Framework Lots (i.e. becomes a Framework Contractor), become a party to the associated Framework Agreement(s). As such, it is currently anticipated that, where a Call-Off Order is placed with a Framework Contractor, the NTA shall enter into a contract in respect of that Call-Off Order with the Lead Contractor identified in the Candidate's Pre-Qualification Submission, and that such Lead Contractor will be liable for the performance of the Call-Off Order.

Where the Framework Contractor is a group of economic operators, the other economic operators within the group (aside from the Lead Contractor) will then enter into collateral warranties with the NTA (if the NTA so requires). However, the NTA also reserves the right to require the group to contract on any other basis the NTA considers appropriate including, but not limited to, joint and several liability.

8.2 Freedom of Information Requirements

The NTA is subject to the provisions of the Freedom of Information Act 2014. Therefore, where Candidates consider any information they provide in the course of this competition to be commercially sensitive or confidential in nature, the NTA shall be so advised and the reasons specified. The nature of the documentation may then be taken into account by the NTA in considering requests, if any, for access to such information under the Freedom of Information Act 2014.

Candidates shall note that, on conclusion of any Framework Agreement, that agreement and associated documents will be open to public examination to the extent required by the Freedom of Information Act 2014 or any act amending or replacing it.

The statutory requirements of the Freedom of Information Act 2014 will, in all circumstances, supersede all the stated requirements of the various parties.

8.3 Publicity

Participants shall note that, save as provided for under the Freedom of Information Requirements above, the NTA shall have the right to publicise, or otherwise disclose, to any third party, information regarding the establishment of the Framework Lots, the conclusion of the associated Framework Agreements, details of Candidates or Tenderers, and the details of the successful Tenderers and including details of the tendered costs of the vehicles.

8.4 Conflict of interest

Any conflict of interest or potential conflict of interest must be fully disclosed to the NTA as soon as such conflict or potential conflict becomes apparent. In the event of any conflict or potential conflict of interest, the NTA shall, in its absolute discretion, decide on the appropriate course of action.

8.5 Costs

The NTA will not be liable in respect of any costs incurred by Candidates in this Competition, including in the preparation of submissions in response to the Pre-Qualification Documents, or any associated

work effort. It is the responsibility of Candidates to ensure that they are fully aware and understand the requirements as laid out in this document.

Candidates will be responsible also for any costs incurred by them in the event of their being required to attend for interview / or make a presentation of their responses.

8.6 Right of Clarification

The NTA reserves the right to seek clarification of Pre-Qualification Submissions where appropriate.

8.7 Tax Clearance Certificate

Subject to the following paragraph, it is a condition for appointment to a Framework Lot that each successful Tenderer must be able to produce for inspection a valid Tax Clearance Certificate in advance of the start date of the associated Framework Agreement. Each successful Tenderer shall also continue to hold, in good standing, current issues of all such certificates for the duration of that Framework Agreement.

A successful Tenderer that is non-resident in Ireland will be required to produce a statement (in lieu of a Tax Clearance Certificate) from the Irish Revenue Commissioners confirming suitability on tax grounds to be appointed to a Framework Lot.

A Tax Clearance Certificate, or a statement from the Revenue Commissioners, must be provided to the NTA within 28 days of a request for same or such longer period as the NTA may determine.

8.8 Prompt Payment of Accounts Act

The NTA is subject to the provisions of the Prompt Payment of Accounts Act 1997 (as amended).

8.9 English Language

The Pre-Qualification Submission together with supporting documents and correspondence will be required to be in English. In circumstances where an original document, which is to form part of the Pre-Qualification Submission or correspondence with the NTA, is not in the English language, the Candidate must provide an accurate English translation together with a copy of the original document. In the event of any discrepancy or difference between various languages, the version in the English language shall prevail. The working language of the contract will be English.

8.10 Non-compliant Pre-Qualification Submissions

If a Candidate fails to comply in any respect with the requirements set out in the Pre-Qualification Documents, the NTA shall be entitled (but shall not be obliged) to take such action as it considers appropriate, including (but not limited to):

- rejecting the relevant Pre-Qualification Submission as non-compliant;
- without prejudice to the NTA's right to reject the Pre-Qualification Submission:
 - a) meeting with, raising issues and/or seeking clarification from the Candidate in respect of the relevant Pre-Qualification Submission;

- b) requesting the Candidate to provide information or items which has/have not been provided or has/have been provided in an incorrect form;
- c) waiving a requirement which, in the NTA's opinion is minor or procedural; and or
- d) amending the relevant requirements of the Pre-Qualification Documents and inviting Candidates to adjust their Pre-Qualification Submissions on the basis of such revised requirement, provided however that no amendment and/or change to a requirement of these Instructions, shall be permitted if, in the opinion of the NTA, the amendment and/or change, if accepted, would constitute a material amendment and/or change to the NTA's requirements.

8.11 Reliance on resources

Where, in order to prove its suitability for the supply of double-deck buses under one or more Framework Lots, a Candidate or a Member of a Candidate wishes to rely on the resources of an entity with which it is directly or indirectly linked, whatever the legal nature of those links may be (including, for example, but not limited to, reliance on a parent company or a bus manufacturer's resources), the Candidate must provide confirmation of the commitment of such other entity to providing the necessary resources. This confirmation shall take the form of a letter, as set out in Appendix 2 and Appendix 3, from the party providing the resources, confirming that those resources are available to the Candidate. A guarantee from such entity may also subsequently be required as a condition of appointment to a Framework Lot.

If availability of resources being relied upon is not established to the satisfaction of the NTA, the NTA will assess the suitability of the Candidate without taking into account the resources of the entity being relied on.

8.12 Prior knowledge

Tenderers must not make assumptions that NTA or any of its advisors has prior knowledge of their organisation or their service provision. Candidates will be evaluated on the information provided in their Pre-Qualification Submission (as may be clarified in accordance with the provisions of this Information Memorandum).

8.13 Multiple participation

No entity may be involved with (including acting as advisor to) more than one (1) Candidate without the prior approval of the Contracting Authority, except where the entity is a supplier of proprietary parts or services which are required for the performance of the Framework Agreement or any Call-Off Order and which are not generally available in the marketplace.

Other entities which wish to be involved with more than one Candidate must notify the Contracting Authority at least twenty-one (21) days prior to the Deadline for Receipt of Pre-Qualification Submissions and the Contracting Authority will take such steps as it considers appropriate, which may include prohibiting the entity from being involved with more than one (1) Candidate or making such involvement conditional on certain conditions being met.

Candidates must inform such entities of their responsibilities with respect to this Section 9.13. In relation to this matter, the Contracting Authority may be contacted by e-mail at procurement@nationaltransport.ie using the subject line:

Multiple participation request for Framework for the Supply of Double-Deck Buses

8.14 European Single Procurement Document

Each Candidate shall include with its submission a completed European Single Procurement Document ("ESPD") (using the eTenders website www.etenders.gov.ie) in respect of each economic operator associated with the Candidate, i.e. the Lead Contractor and all other Members of the Candidate and each entity being relied upon by the Lead Contractor to satisfy the minimum criteria for participation set out in Section 5.1. Each ESPD must confirm:

- a) that no grounds of exclusion pursuant to Regulation 57 of the European Union (Award of Public Authority Contracts) Regulations 2016 apply, or that, although exclusion grounds do apply to the economic operator, the economic operator can, where permitted by Regulation 57, provide evidence to satisfy the NTA that measures taken by the economic operator are sufficient to demonstrate its reliability despite the existence of the exclusion grounds.
- b) by completing Part IV: Selection Criteria of the ESPD, that the economic operator meets the Selection Criteria (see "α: Global Indication for all Selection Criteria"). However, Candidates shall note that substantive responses are also required for all criteria (with the exception of Criterion 5.4 relating to exclusionary grounds).

9 INFORMATION AND COMMUNICATIONS

9.1 Amendments and/or Clarifications

If the NTA is of the opinion that a clarification of and/or amendment to this Pre-Qualification Document and/or additional information is required to be issued then the NTA shall be entitled to make any such clarification of and/or amendment to this Pre-Qualification Document and/or issue such additional information at any time.

9.2 Communications and Queries

Candidates may **not** address queries to, or communicate with, the NTA other than in the manner provided for in this Section 9. All enquiries regarding any element of this request to participate must be forwarded to the NTA **via the eTenders website (Question and Answer function)** at www.etenders.gov.ie

Queries may not be made verbally or by any other means and canvassing will disqualify.

Although the NTA reserves the right to respond to late queries, queries should be received by the NTA not later than the closing date for receipt of queries. It is the Candidates' responsibility to ensure that all queries are received by the NTA by this deadline. Such queries and /or requests should be submitted not later than **ten (10) days** prior to the date for return of requests to participate. Any communication shall state clearly that it relates to **"Framework for the Supply of Double-Deck Buses"**.

Queries from Candidates will be accumulated and answers, where appropriate, will be sent simultaneously to all Candidates to ensure that all Candidates have the same opportunity to respond. The NTA will, if appropriate, circulate copies of all queries submitted pursuant to this Section 9, together with the NTA's responses thereto, to all Candidates by posting the responses to the queries via the Irish Government's e-tenders website; namely, www.etenders.gov.ie. Accordingly, it is critical that Candidates record their interest in this request via the www.etenders.gov.ie website. Otherwise, a Candidate may not receive a breakdown of queries submitted, together with the NTA's responses thereto.

The NTA will endeavour to respond to all reasonable queries/requests received prior to the closing date for receipt of queries but does not undertake to respond to all queries/requests received. The NTA may, at its absolute discretion, respond to queries received after that date.

The NTA reserves the right to respond separately to a Candidate's query if, in the NTA's absolute opinion, the response should be treated as confidential to that particular Candidate.

The NTA does not accept responsibility for any communications issued by it, which are missed or not received by Candidates, or for communications issued by Candidates, which are not received by the NTA.

10 RETURN OF PRE-QUALIFICATION SUBMISSIONS

Candidates shall submit an electronic copy of their Pre-Qualification Submissions which should be submitted via the electronic postbox available on www.etenders.gov.ie.

Candidates must ensure that they give themselves sufficient time to upload and submit all required pre-qualification documentation before the Deadline for Receipt of Pre-Qualification Submissions (as defined in Section 11). Candidates should take into account the fact that upload speeds vary. There is a maximum of 4GB for the total (combined) documents sent to the electronic postbox. In order to submit a document to the electronic postbox, please note that you must click "Submit Response". After submitting you can still modify and re-send your response up until response deadline. Candidates should be aware that the "Submit Response" button will be disabled automatically upon the expiration of the response deadline.

11 DEADLINE FOR RECEIPT OF PRE-QUALIFICATION SUBMISSIONS

The Deadline for Receipt of Pre-Qualification Submissions is **as indicated on the eTenders portal.**

The onus is on Candidates to ensure their submission has been received before the specified date and time. Any submissions received after this deadline will not be considered.

APPENDIX 1 - DATA PROTECTION NOTICE

As part of your response to the procurement documents for this competition you may provide personal data relating to you or your organisation, employees or other third parties. In the procurement documents, “Data Protection Law” means all applicable data protection law including, with effect from 25 May 2018, the General Data Protection Regulation (Regulation (EU) 2016/679) and the Data Protection Act 2018; and the terms ‘personal data’, ‘process’, ‘controller’, ‘processor’ and ‘data subject’ shall have the meanings given to them under Data Protection Law.

Where you provide personal data relating to third parties, you must ensure that such third parties are made aware of the contents of this Data Protection Notice in full.

Where such personal data is provided, the relevant controller is the NTA. If you have any questions about our use of your personal data, please contact us at privacy@nationaltransport.ie. Alternatively you can get in touch with our Data Protection Officer at privacy@nationaltransport.ie.

We may process the following personal data as part of this competition:

- Name;
- Contact details;
- CV details (including but not limited to qualifications, education, experience, previous roles and responsibilities etc.);
- Details of proposed role(s) and responsibilities on this contract;
- Referee details; and
- Any other data provided by you as part of your submission.

We collect personal data from you directly, and from the following sources:

- Your organisation;
- Other economic operators in your group; and
- Referees.

Any personal data provided will be processed for the purposes of the competition, the administration of any contract awarded on foot of this competition, reporting to any regulators or oversight bodies and/or any disputes relating to the competition or the contract. Our legal basis for processing such personal data in accordance with the provisions of this Data Protection Notice is that it is necessary for the exercise of official NTA vested in us.

In connection with the above, we may disclose your personal data to various recipients including:

- Your employer;
- Other economic operators in your group;
- Our third party service providers, such as advisors and contractors; and
- Regulators or oversight bodies.

If you are unsuccessful as part of the tender process, such personal data will be retained until three years after the conclusion of the tender process or the award of the contract to the successful party, whichever is later. If you are successful, and a contract is awarded to you at the end of the tender process, such personal data will be retained in accordance with our Record Retention Policy.

Any data subjects in respect of which we hold or process personal data have rights in relation to their personal data, including the right to request access to their data and, in certain circumstances to request rectification, erasure or restriction of the processing of their personal data. All such data subjects have the right to lodge a complaint with the Irish supervisory NTA, the Data Protection Commission.

The procurement documents set out, in respect of each criterion or requirement, whether a response (including any personal data required in order to respond to the criterion or requirement) is required in order to avoid elimination from this competition. Even where a failure to respond or to provide relevant personal data will not, of itself, lead to elimination, failure to provide such personal data may affect the completeness or quality of your response to the procurement documents (which may affect the assessment of such response).

APPENDIX 2 - FORM OF LETTER CONFIRMING FINANCIAL RESOURCES ARE AVAILABLE TO THE LEAD CONTRACTOR

Dear Sir,

Re: Competition for Appointment to a Framework for the Supply of Double-Deck Buses

Pre-Qualification Questionnaire Response by **[Candidate's name]**

Financial Resources

We understand that **[Lead Contractor's name]**, is relying on our economic and financial standing in the above Competition and **[Candidate's name]** requires confirmation that those financial resources are available to **[Lead Contractor's name]**.

Accordingly, we confirm that we can make available the financial resources identified in the Pre-Qualification Questionnaire to **[Lead Contractor's name]** in order to facilitate **[Candidate's name]** participation in the Competition.

In addition, if **[Candidate's name]** is successful in the Competition and is appointed to one or more Framework Lots, and **[Lead Contractor's name]** then becomes a party to the associated Framework Agreement(s), we confirm that we will make available the financial resources identified in the Pre-Qualification Questionnaire to **[Lead Contractor's name]** for the duration of the Framework Agreement(s).

We will also, upon request, provide a guarantee to you that those financial resources will continue to be made available to **[Lead Contractor's name]** for the duration of the Framework Agreement(s).

Yours faithfully,

Authorised Representative of **[Entity's Name]**

APPENDIX 3 - FORM OF LETTER CONFIRMING RESOURCES/TECHNICAL ABILITIES ARE AVAILABLE TO THE CANDIDATE

Dear Sir,

Re: Competition for Appointment to a Framework for the Supply of Double-Deck Buses

Pre-Qualification Questionnaire by **[Candidate's name]**

Resources/Technical Ability

We understand that **[Candidate's name]**, is relying on our resources/technical abilities in the above Competition and requires confirmation that those resources are available to it.

Accordingly, we confirm that we can make available the resources/technical abilities identified in the Pre-Qualification Questionnaire to facilitate **[Candidate's name]** participation in the Competition.

In addition, if **[Candidate's name]** is successful in the Competition and is appointed to one or more Framework Lots, and **[Lead Contractor's name]** then becomes a party to the associated Framework Agreement(s), we confirm that we will make available the resources/technical abilities identified in the Pre-Qualification Questionnaire to **[Lead Contractor's name]** for the duration of the Framework Agreement(s).

We will also, upon request, provide a guarantee to you that these resources/technical abilities will continue to be made available to **[Lead Contractor's name]** for the duration of the Framework Agreement(s).

Yours faithfully,

Authorised Representative of **[Entity's Name]**