



**Provision of Programme Oversight and Assurance Services in relation to the
MetroLink Programme**

Information Memorandum and Pre-Qualification Questionnaire

Pre-Qualification Documents

Document 1 of 2: Information Memorandum

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Important Notice

The National Transport Authority (“NTA”) intends to procure a Consultant to provide a range of Services as described in Section 2 of this document, for the delivery of the Provision of Programme Oversight and Assurance Services in relation to the MetroLink Programme.

The information in this Information Memorandum and its accompanying Pre-Qualification Questionnaire (together the “**Pre-Qualification Documents**”) is given for the guidance of Candidates only and does not purport to be comprehensive, or to have been independently verified. It may be altered without notice at any time.

The NTA does not warrant or represent that the Pre-Qualification Documents, or any other information given to Candidates, is accurate or complete. Neither the NTA nor its advisers accept liability for any error, misstatement, or omission (negligent or otherwise) in the Pre-Qualification Documents, 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 the Pre-Qualification Documents 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. The NTA does not accept any liability or responsibility whatsoever or howsoever arising in respect of any such information or for any failure to disclose or to make available to Candidates any information, documents or data relating to the Services or the Contract that is now or may at any time hereafter be in the NTA’s possession.

In addition, the NTA does not accept any liability or responsibility whatsoever to keep information up to date, or to inform Candidates of any inaccuracy, error, omission, unfitness for purpose, defect or inadequacy in such information. Reliance by a Candidate on information issued in connection with this competition in the preparation of its Pre-Qualification Submission or its tender is entirely at the Candidate’s own risk.

Save for Candidates’ obligations as to confidentiality as may be set out during this competition and any undertakings in the tender, the Pre-Qualification Documents are 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 the competitive process) unless and until the Contract is finally and formally concluded at the end of the competitive process. The NTA has no obligation to enter into any contract with any Tenderer.

Neither the NTA nor its advisers are liable for Candidates’ or Tenderers’ costs arising in connection with this competition, irrespective of the outcome of the competition, or its cancellation or postponement.

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 by other means, (iv) negotiate or engage with one or more parties at any time, or to do any combination of the foregoing or anything else deemed appropriate.

If any past or future contracts or other documents are summarised or described in the Pre-Qualification Documents, 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. The Pre-Qualification Documents are being made available by the NTA to Candidates on the terms set out therein. The Pre-Qualification Documents are not being distributed to the public nor have they been filed, registered or approved in any jurisdiction. Their 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.

In this Important Notice, references to the Pre-Qualification Documents include all information contained in them and/or information/opinions made available before the notification of the outcome of the shortlisting process by or on behalf of the NTA, its advisers, contractors, servants and/or agents in connection with Pre-Qualification Documents or the Services including, without limitation, the information made available in response to any queries.

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.

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.

1. Introduction

1.1 Definitions

Save where the context otherwise admits or requires, the following words and expressions shall have the meanings assigned to them below for the purposes of this Information Memorandum and Pre-qualification Questionnaire.

“Candidate(s)” means a single bidder or Consortium which submits a Pre-Qualification Submission for the Provision of Programme Oversight and Assurance Team Services in relation to the MetroLink Programme.

“Candidate Member” means each entity participating in a Consortium.

“Consortium” means any Candidate which consists of more than one entity.

“Contract” means the services contract to be awarded pursuant to this competition and the form of contract provided by the NTA in the next stage in this competition via the eTenders / OJEU website.

“Contract Notice” means the notice uploaded by the NTA and published on the eTenders / OJEU website for this competition.

“European Single Procurement Document” (“ESPD”) is the means of providing the information as required in Section 4 of the Information Memorandum.

“Final Tender” means the final proposal submitted by a Tenderer in response to a call for Tenders by NTA.

“Information Memorandum” means this document containing information intended to inform Candidates as to the background to the Contract, procurement process, pre-qualification criteria, timetable envisaged and the general scope of services required, as may be clarified or supplemented by the NTA.

“Invitation to Negotiate” (“ITN”) means the documents to be issued to Tenderers as part of the invitation to negotiate stage of the procurement process.

“Lead Member” means the Member of the Consortium (if the Candidate is a Consortium), whom it is proposed will enter into the Contract for Oversight and Assurance Team Services with the NTA, if the Candidate is successful.

“MetroLink Oversight and Assurance Team” or **“OAT”** means the Successful Tenderer appointed to provide the required Services.

“MetroLink Oversight and Assurance Team Services” means the services and requirements as described in Section 2.

“NTA” means the National Transport Authority.

“Pre-Qualification Documents” means the Information Memorandum and Pre-Qualification Questionnaire together with all supplements, appendices, amendments, clarifications and accompanying documents, as available from the eTenders website.

“Pre-Qualification Questionnaire” (“PQQ”) means Document 2 of 2 of the Pre-Qualification Documents.

“Pre-Qualification Submission” means the completed Pre-Qualification Questionnaire, ESPD and any requested documentation, to be submitted in response to this Information Memorandum and PQQ (as may be clarified in accordance with the Pre-Qualification Documents).

“Reference Example” means any one of the examples that the Candidate has provided information about in the Reference Example Template included in Section 4 of the PQQ.

“Reference Example Template” means the template forms in respect of the Reference Examples included in Section 4 of the PQQ.

“Reliance Entity” means the entity on whose capacities Candidates and Candidate Members may rely on to meet the minimum criteria.

“Selection Stage” means the initial Pre-Qualification stage.

“Successful Tenderer” means the entity that will have responsibility providing the Services pursuant to the Contract.

“Submission Deadline” means the deadline for receipt of Pre-Qualification Submissions as set out in Section 10 of this Information Memorandum;

“Tenderer” means a Candidate who is shortlisted to participate in the next stage of the competition pursuant to the Pre-Qualification Documents.

“Tender Stage” means the stage following Selection Stage to commence on issuance of the ITN.

1.2 Introduction to NTA

The NTA 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 Authority Act 2008.

While it was originally conceived as a transport authority for the Greater Dublin Area under the 2008 Act, it was renamed the National Transport Authority in the Public Transport Regulation Act 2009. The 2009 Act, the Taxi Regulation Act 2013, the Vehicle Clamping Act 2015, and various Statutory Instruments have greatly extended the NTA's functions and geographic remit.

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 (12) 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 Chief Executive of Dublin City Council.

Board members may be appointed for a period of up to five (5) years and may be re-appointed. However, Board members may serve a maximum of ten (10) years. This restriction does not apply to the *ex officio* members who stand appointed for as long as they occupy the relevant position.

1.3 Overview of MetroLink

MetroLink is planned as a new metro railway to be built and operated in an integrated manner to provide a high speed, high capacity, high frequency, modern and efficient public transport service for people travelling along the Swords/Airport route to the city centre corridor in Dublin.

The primary objective of MetroLink is to provide a sustainable, safe, efficient, integrated, and accessible public transport service between Swords, Dublin Airport and Dublin city centre forming a key transport corridor of the proposed integrated public transport system for Dublin which includes the DART+ and BusConnects projects. MetroLink is fully aligned with the Government's National Planning Framework (including strong alignment to the national strategic outcomes), the Programme for Government, Regional and Local Development Plans, Area Transport Strategies, the Climate Action Plan 2024, Climate Action and Low Carbon Development (Amendment) Bill 2021, and Transport Infrastructure Ireland's Environmental Strategy. It is also fully aligned with the European Green Deal and UN Sustainable Development Goals.

- **Sustainable Mobility:** MetroLink is expected to provide over 1 billion carbon neutral, fully electrified, passenger trips by 2050 and encouraging some 700,000 people within a 10-minute cycling distances from a station to undertake 20,000 cycling trips per day and 120,000 walking trips per day.
- **Transition to low carbon future:** MetroLink will create the opportunity for diversion of 6.8 million private vehicle journeys per annum in the early years of operation (growing to 12 million by 2045), with approximately 360 million car trips diverted by 2050. Over 60 years of operation, MetroLink will save the equivalent of almost 3,000 lifetimes of time spent sitting in traffic congestion.
- **Compact growth:** MetroLink will provide a nodal structure that will encourage compact growth development in housing, another significant factor in addressing the housing market challenges while furthering Ireland's sustainability goals.

- **Enhanced regional connectivity:** MetroLink will facilitate, for the first time, the ability to complete a journey from their point of origin to Dublin Airport just using rail, Luas and MetroLink. In addition, travellers and commuters arriving on Irish Rail from all parts of Ireland will be able to access the MetroLink and the north/south of the city with the opportunity to interchange at Glasnevin and Tara Street MetroLink Stations.
- **High quality international connectivity:** MetroLink will support the efficiency and growth of Dublin Port and Dublin Airport by creating an additional passenger access opportunity and allowing for optimisation of the surrounding road and public transport networks.
- **A strong economy supported by enterprise innovation and skills:** MetroLink will help to stimulate economic activity, encourage innovation, and grow our national skills base. It will support a significant number of skilled construction jobs (direct, indirect and induced), as well as a further creation of indirect supply chain and support related jobs. Following construction, operations and maintenance for the MetroLink will require the creation of new, permanent skilled jobs, offering further opportunities for continued training and skills development. The operations and maintenance phase is also expected to require continued regional support for infrastructure maintenance activities over its useful life.

The MetroLink project will be delivered through the procurement of two major infrastructure contracts for civils infrastructure, and a design, build, finance, operate and maintain contract for railway systems, rolling stock and operations and a number advanced and enabling works contracts.

The NTA has a statutory responsibility to secure the provision of public transport infrastructure, and on behalf of the Department of Transport performs the day to day activities of the Approving Authority as set out in the Infrastructure Guidelines¹.

¹ <https://assets.gov.ie/static/documents/infrastructure-guidelines.pdf>

1.4 Overview of Proposed Contract

The NTA has statutory responsibility to secure the provision of public transport infrastructure and services within the Greater Dublin Area. Through the preparation of the Greater Dublin Area Transport Strategy, it establishes the overarching vision and the measures required for meeting existing and future demand for transport. NTA therefore sets the overarching requirements for MetroLink and on behalf of the Department of Transport performs the day-to-day activities of the Approving Authority as set out in the Infrastructure Guidelines.

To ensure that the delivery of MetroLink project is undertaken in manner that achieves the overarching requirements delivering value for money, NTA has established a Metro Investment team within the Transport Planning and Investment Directorate of NTA. This dedicated team will have responsibility for the approving authority oversight and assurance of the delivery of the MetroLink programme. The services are being procured via this competitive process to support the Metro Investment team in performing their role providing specialist technical, oversight and assurance resources.

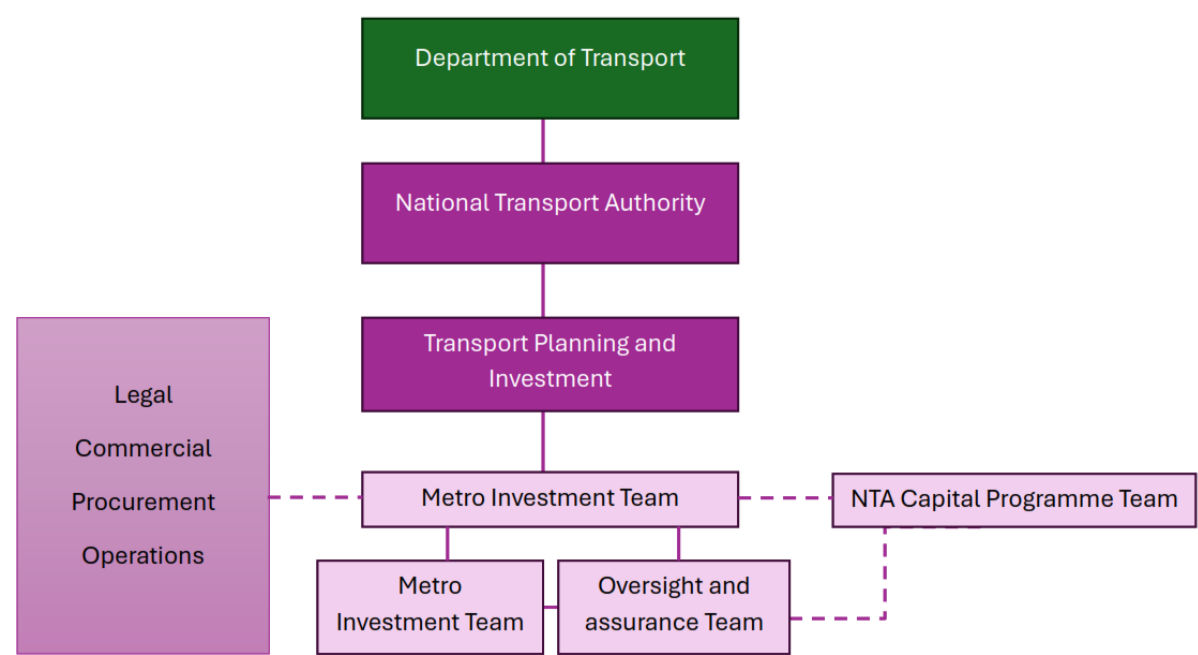
The services are primarily intended for the provision of programme management services, inclusive of a full-time core Programme Oversight and Assurance Team (OAT) based in the Authority's offices or other Dublin based project offices, in relation to the MetroLink Programme Dublin. The services may also include other Metro and Sustainable Transport services related work.

The NTA intends to engage with a service provider for OAT Services. The maximum contract value is estimated at up to €55,000,000 (fifty-five million euros) excluding VAT.

Given the long-term duration of the contract, as well as the nature of the services to be provided (which depend on the delivery programme for the underlying Schemes), it is not possible to provide a definitive estimate of the value of the contract. The above value represents the NTA's best estimate at this stage, but the actual value of the contract may be higher or lower depending on the actual volume of services required.

The duration of the contract will be a maximum of ten (10) years in order to align with the delivery programme for MetroLink.

1.5 Governance Structure of MetroLink Oversight and Assurance Team



1.6 Purpose of this Document

This document is one of two principal documents governing the pre-qualification stage for the competition to appoint an OAT.

This document (Document 1) constitutes an Information Memorandum providing Candidates with general information regarding the scope of the competition requirements, a description of the procurement process, pre-qualification criteria and the rules governing the competition.

Candidates should also refer to Document 2, the PQQ, which is to be completed by Candidates who wish to be invited to tender.

The purpose of this Information Memorandum is to provide potential Candidates with the information that they need to decide whether to participate in this competition and facilitate the submission of a completed PQQ by interested Candidates.

As set out in the Important Notice, the NTA gives no warranty or representation as to the accuracy or completeness of the information in these Pre-Qualification Documents and shall not be liable for any errors or omissions.

The information herein may be supplemented by further; more detailed information should the NTA determine it is necessary to do so.

No warranty or representation is given by NTA or its advisors, consultants, contractors, servants and/or agents as to the accuracy or completeness of any of the information issued in connection with

this Competition. Neither NTA nor its advisors, consultants, contractors, servants and/or agents will be under liability for any error, misstatement, or omission in such information and none of such information will constitute a contract or any part of a contract with Candidates.

The NTA does not accept any liability or responsibility whatsoever or howsoever arising in respect of any such information or for any failure to disclose or to make available to Candidates any information, documents or data relating to the Services or the Contract that is now or may at any time hereafter be in the NTA's possession. In addition, the NTA does not accept any liability or responsibility whatsoever to keep information up to date, or to inform Candidates of any inaccuracy, error, omission, unfitness for purpose, defect, or inadequacy in such information. Reliance by a Candidate on information issued in connection with this Competition in the preparation of its Pre-Qualification Submission or its tender is entirely at the Candidate's own risk.

Apart from the Candidate's irrevocable undertaking to keep their Final Tender open for acceptance for the prescribed period, and any undertaking that a Candidate may be required to give in respect of confidentiality, no legal relationship or other obligation will arise between any Candidate and the NTA (including in relation to the Competition itself, as well as the contract which is the subject of the Competition) unless and until the OAT contract has been executed, and any conditions precedent to the OAT contract have been fulfilled.

2. Description of Requirements

2.1 General Requirements

The MetroLink programme is being delivered by the Sponsoring Agency as defined under the Infrastructure Guidelines, Transport Infrastructure Ireland (TII). Where TII is referenced throughout these Contract documents, it shall be taken that it refers to TII or any other Statutory delivery body set up under the aegis of the Department of Transport to deliver the MetroLink Programme. The Authority is the day-to-day Approving Authority for the programme under the Infrastructure Guidelines.

It is the NTA Metro Investment team objective that the team become the Centre of Excellence for monitoring and assuring Mega and Major Projects from the Approving Authority perspective. It is also a primary objective that the team will be able to respond to queries and challenges from internal and external stakeholders in a confident, robust, professional and efficient manner.

The successful tenderer will be required to establish, organise and manage a Programme Oversight and Assurance team, the "MetroLink Programme Oversight and Assurance Team" (OAT). The OAT will be based in the Authority's offices, or other Dublin based project offices. The OAT will service the Programme Oversight and Assurance function and various programme management aspects of the MetroLink Programme and to provide programme management advisory services. The OAT may also provide support to other metro and other sustainable transport-related investment programmes of the Authority, where required.

Further information relevant to the tender will be made available to Tenderers in the next stage of the competition. The Tender Stage documentation has not been published with the Pre-Qualification Documents.

2.2 OAT Overview

While the NTA team has significant experience in delivering major transport projects, there is recognition that the scale and complexity of MetroLink will require additional capacity and capabilities. Following on from the publication of a Periodic Indicative Notice in April 2026 (243960-2026), the NTA is establishing an NTA-led MetroLink Programme Oversight and Assurance Team which shall coordinate, oversee, and work collaboratively with the delivery partners to ensure that MetroLink is delivered effectively, efficiently and that its benefits are realised. The MetroLink Programme Oversight and Assurance Team will be led by the NTA and augmented by the Successful Tenderer. The Successful Tenderer shall provide project support and day-to-day management of the oversight and assurance of MetroLink from the Approving Authority perspective. Engagement between the NTA and the Successful Tenderer shall be open, transparent, professional and collaborative.

OAT Role

The OAT will be required to provide the services of experienced personnel with significant expertise and recent experience in the assurance and monitoring of large infrastructure projects being delivered over several years for projects including New Engineering Contract (NEC), fourth edition and Public Private Partnerships (PPP) forms of contract.

The Successful Tenderer will be required to appropriately split out the Monitoring and Assurance roles as required.

Due to the role of the OAT, it is a requirement of the Contract that the Successful Tenderer will not tender for any engineering consultancy, commercial services consultancy, construction contracts or any other advisory contract relating to the MetroLink project, except with the prior written consent of the Authority where it has been provided with satisfactory assurances that any potential conflict of interest has been appropriately addressed and managed.

The OAT will be responsible for developing and implementing a structured and strategic approach to overseeing, monitoring, and assuring the delivery of the MetroLink Programme.

All assurance activities will generally be at an independent oversight and assurance suitable for an Approving Authority role and in accordance with the NTA' developing assurance plan.

The OAT will operationally report to the NTA's Transport Investment Team and will have key interactions with the NTA Capital Programme Office.

The OAT will deliver functions/ capabilities which include, but are not limited to, monitoring and assurance activities and other services under the following general headings:

- Infrastructure Guidelines Approval Gate compliance;
- NTA Project Approval Guidelines compliance;
- Governance and Assurance including specific agreements;
- Programme Controls;
- Contract Controls;
- Schedule;
- Risk;

- Finance and cost;
- Benefits and Sustainability;
- Environmental monitoring;
- Programme reporting;
- Change Monitoring; and
- MetroLink readiness to deliver.

Whilst the Services described in this document primarily relate to programme-level activities, the NTA may, on a limited and as-required basis, request the OAT to make available suitably qualified resources to support targeted deep-dive reviews at project or contract level.

Deep dive reviews may be on any topic as listed above or specific to an area outside of these headings. The type of deep dive, deliverables and timeline shall be agreed with the OAT.

The number of function leads, managers and support personnel required will be determined on an “as-needed” basis, commensurate with ongoing activities. It is anticipated that there will be an additional number of personnel required, up to 5, for the first 8 to 12 months of the provision of services to set up the appropriate and required processes. The NTA may, on a limited and as-required basis, request the OAT to make available suitably qualified resources to support the services at other times throughout the duration of the services provision on an as needed basis. Accordingly, the number of such personnel will fluctuate depending on the progression of the MetroLink programme and is likely to vary between 4 and 15 in number, excluding any NTA personnel that may be assigned to the MetroLink OAT. These numbers are indicative only and may vary.

The OAT will be required to develop and work collaboratively and as part of an integrated team with NTA Metro Investment team and Capital Programme Office teams and develop and build collaborative relationship arrangements with the MetroLink Sponsoring Agency delivering the project.

The OAT will be required to develop and monitor key programme metrics, trends and reporting templates to monitor programme development against agreed baselines.

It is a key requirement of the services that the Metro Investment team and OAT team will be able to learn, function and be able to manage the services across the breadth of the team, including recognizing and developing specific learning and capability development in areas for the NTA Metro Investment team where required.

The OAT team structure² will comprise of the following:

1. Core OAT team;
2. OAT support and training team - team to develop, train, support and transition NTA team members for overall assurance and monitoring activities over an agreed period; and

² It should be noted that the core team structure described is indicative only and may vary in line with the changing requirements of the programme.

3. OAT specific tasks personnel - personnel required on an as needed basis for specific tasks and deep dives (e.g. technical, financial, risks, programme as listed above).

The type of services to be provided by the OAT include, but are not limited to:

- **Infrastructure Guidelines (IG) and NTA Project Approval Guidelines (PAG) compliance**

The OAT will be required to build on the NTA current assurance process for Approval Gate 2 and 3 and Gateway 5a and 5b to develop a robust integrated assurance and review process for the Gateway deliverables at these and future Gateway points. The OAT will identify key assurance areas and develop a robust and timely Assurance strategy and plan that meets agreed timeframes for review and reporting.

- **Governance and Assurance**

The OAT will be required to monitor and assure the approved programme structures, governance and programme management plans of TII MetroLink to ensure appropriate oversight and monitoring at all stages throughout the programme lifecycle.

- **Programme Controls**

The OAT will be required to develop, implement, and operate a robust programme controls framework which will include a suite of controls, processes and procedures to ensure that MetroLink oversight and assurance functions are delivered in a controlled, robust and assured manner.

- **Scheduling and milestone**

The OAT will monitor and provide assurance on the TII MetroLink Programme schedule including monitoring progress and dependencies, critical path, key milestones, organisation capacity and resources against the baseline schedule.

- **Risk**

The OAT will lead the monitoring of TII MetroLink risk management plans and the monitoring and reporting on programme and project risk performance. The OAT will be required to develop a programme of risk-based samples and verification processes required to ensure an overall robust oversight and assurance strategy.

- **Finance and Cost**

The OAT will undertake finance and cost monitoring and assurance activities for the programme. This will involve close liaison and interaction with the NTA and TII MetroLink teams and the NTA Capital Programme Office (CPO).

- **Benefits and Sustainability**

The TII MetroLink team has undertaken work to develop a Benefits realisation and monitoring plan and a Sustainability Plan for the MetroLink Programme which sets out the vision, objectives, and indicators for MetroLink in relation to sustainability which will be implemented throughout the programme lifecycle. The OAT will be responsible for the development and implementation of a robust monitoring and assurance plan which will monitor the successful realisation of programme benefits and sustainability measures across all stages of the MetroLink lifecycle.

- **Programme Reporting**

The OAT will play a leading role in programme reporting. The approach to reporting for the programme will ensure focused, informative, accurate, and transparent reporting for MetroLink throughout its lifecycle.

- **Change Monitoring**

The OAT will be required to monitor and assure TII MetroLink Change management process, monitor trends and key risks to changes to scope, schedule, costs and benefits in a manner that ensures that such changes are adequately being assessed, evaluated and approved in line with the programme's governance framework.

- **Services and Resourcing Management**

The OAT will manage all OAT resources and services and where necessary, the OAT will facilitate the identification and escalation of resource requirements.

Whilst in general, the OAT will work within the NTA's systems and tools to perform its functions, the NTA reserves the right to obtain for use, systems and tools of the OAT which are relevant to the undertaking of the OAT's functions on a cost reimbursable basis. Any requirement to propose new systems and functions to align with TII MetroLink management tools should be agreed with the NTA.

3. Procurement Process

This section of the Information Memorandum provides information on the pre-qualification process, i.e., the procedures that will be followed and the criteria that will be applied in deciding which of the Candidates submitting a Pre-qualification Submission will be selected to receive an Invitation to Negotiate ('ITN').

Detailed information regarding the award process and award criteria for the following stages of the competition will be supplied to Candidates who are shortlisted to receive an ITN.

The Procurement Process – An Overview

A Contract Notice has been published in the Official Journal of the European Union ("OJEU") advertising the Contract. The competition is being run under the negotiated procedure with prior call for competition in accordance with the European Union (Award of Public Authority Contracts by Utility Undertakings) Regulations 2016 (the "Regulations").

The procurement process will comprise of two main stages: qualification and tender. At the outcome of the qualification stage, Pre-Qualification Submissions returned by Candidates, which are not eliminated for completeness / compliance reasons, will be assessed as described in the Pre-Qualification Documents and will receive a ranking. It is anticipated that the five (5) highest-ranking Candidates will be shortlisted and selected to proceed to the Tender Stage of the process, provided there are sufficient suitable Candidates. In the event of a tie for 5th place, the process outlined in Section 5.3 will be followed.

The NTA reserves the right to award the contract on the basis of the initial tenders received, without entering into negotiations with Tenderers.

The Tender Stage will commence with the issuing by the NTA of the ITN to each Tenderer. The ITN will supersede this Information Memorandum and contain greater detail about the scope of Services, the draft Contract, supporting material, and detailed information regarding the award process and award criteria. The ITN will also set out the process for the Tender Stage.

The NTA currently envisages that each Tenderer will initially be invited to submit an initial submission. Following the evaluation of initial submissions, the NTA may opt to treat these initial submissions as being final tenders and may decide to award the Contract to the most economically advantageous tender identified pursuant to such evaluation. Tenderers are not guaranteed an opportunity to negotiate and must ensure that their initial submissions are economically advantageous offers which are capable of acceptance by the NTA.

Alternatively, the NTA reserves the right to commence negotiations on an equal treatment basis with all Tenderers. If necessary, the Tender Stage documents will be adapted following such negotiation and reissued to all Tenderers. The NTA reserves the right to conduct various round of negotiation if necessary and may require Tenderers to submit further interim submissions (each of which may be treated by the NTA as a final tender, and Tenderers are not guaranteed any opportunity to further negotiate).

If the NTA, having entered into the negotiation phase (and not having awarded the contract based on initial or interim submissions), wishes to conclude the negotiations it will issue a call for final tenders.

3.1 The Pre-Qualification Questionnaire (PQQ)

The PQQ is the means through which Candidates are required to provide the information and supporting documentation requested by the NTA to demonstrate their suitability for the Contract. The PQQ incorporates the European Single Procurement Document (“**ESPD**”), which must be completed in accordance with its instructions (also see Document 2). The PQQ sets out which questions must be answered in full, and which may be responded to by way of declaration in the ESPD.

Pre-Qualification Submissions must be completed in accordance with the instructions set out in these Pre-Qualification Documents. Candidates’ attention is drawn to the fact that failure to provide the requested information in the prescribed form, the omission of supporting documentation where requested, or the provision of incomplete or misleading information may result in their exclusion from the procurement process.

The NTA reserves the right to seek further evidence substantiating the Pre-Qualification Submissions (including the ESPD) at any time. Any Candidate who cannot provide any information required by the NTA within the timeframe specified by the NTA (as may be extended at its discretion) or whose evidence demonstrates that the minimum qualification criteria or minimum pass marks are not met, will be eliminated.

It is recognised that a Candidate may be comprised of several Candidate Members. Where this is the case, each Candidate Member must supply the information required in the PQQ to the extent specified in the relevant section. Further instructions on this point are provided in the PQQ. Candidates’ attention is drawn to the fact that the failure to provide the requested information as it relates to each Candidate Member may result in the exclusion of the Candidate from the procurement process.

Candidates should note that no entity may be involved with (including acting as advisor to) more than one Candidate without the prior approval of the NTA. Any proposed involvement with more than one Candidate should be notified to the NTA as soon as possible and in any event at least ten (10) working days prior to the Submission Deadline. The NTA will take such steps as it considers appropriate, which may include prohibiting the entity from being involved with more than one Candidate or making such involvement conditional on certain conditions being met.

Candidates shall not, without the prior approval of the NTA, enter into exclusive arrangements with any entity where the entity is a supplier of proprietary parts or services, which are required for the performance of the Contract and which are not generally available in the marketplace. Where a Candidate is already party to such an exclusive arrangement as of the date of publication of the Pre-Qualification Documents, the Candidate must inform the NTA promptly and the NTA will take such steps as it considers appropriate.

3.2 Evaluation Methodology

Pre-Qualification Submissions will be assessed in accordance with the criteria set out in Sections 4 and 5 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:

1. Submissions will be checked to ensure completeness and compliance with the provisions of the Pre-Qualification Documents. Candidates which do not comply with the provisions of the Pre-Qualification Documents may be eliminated;
2. Submissions will be checked with regard to whether any of the criteria for exclusion are applicable to the Candidate, any Candidate Member, or entity being relied on. See further Section 3.3 in this regard. Candidates who do not pass the criteria for exclusion will be eliminated;
3. Submissions from the remaining Candidates will be checked to ensure that Candidates meet the minimum qualification criteria (see Section 4). Candidates who do not meet the minimum qualification criteria will be eliminated;
4. The NTA intends to shortlist a maximum of five (5) Candidates, subject to Section 5.3. The outcome of the qualitative assessment set out in Section 5 will determine the shortlist;
5. The NTA will inform Candidates of the outcome of the evaluation of their submissions; and
6. Successful Candidates will be invited to participate in the Tender Stage of the Competition.

3.3 Grounds for Exclusion

Subject always to the provisions of Regulation 89 of the European Union (Award of Contracts by Utility Undertakings Regulations 2016 (SI 286 of 2016):

1. if any of the conditions set out Regulations 57(1) or 57(3) of the Public Authority Contracts Regulations 2016 of (SI 284/2016) apply to the Candidate (or any Candidate Member, in the case of a Consortium), the Candidate shall be excluded from the competition;
2. if any of the conditions set out in Regulations 57(4) of the Public Authority Contracts Regulations 2016 (SI 284/2016) apply to the Candidate (or any Candidate Member, in the case of a Consortium), the Candidate may be excluded from the competition.

The Candidate (and each Candidate Member, in the case of a Consortium) must provide a declaration in this respect in their completed ESPD.

Any Candidate, Candidate Member, entity being relied upon which is in one of the situations referred to above is invited to provide details of any factors or circumstances which it believes are relevant to the NTA's assessment of these grounds for exclusion. For example, where a Candidate is in one of the situations referred to above but has taken measures which it believes are sufficient to demonstrate its reliability, such Candidate may provide evidence of such measures to the NTA for consideration.

Candidates should note that, with regard to the situations listed in paragraph 1 above, the circumstances which the NTA may take into account before deciding whether or not to exclude a Candidate are prescribed by law, and Candidates are directed to Regulation 57 of SI 284/2016³ in this regard.

³ European Union (Award of Public Authority Contracts) Regulations 2016 (SI 284/2016).

Entities being relied upon as described in section 7.14 of this Information Memorandum, must also complete the declaration in Part III of the ESPD. Subject again to the provisions of Article 57 of Directive 2014/24/EU and Regulation 57 of the 2016 Regulations, and provided the NTA is satisfied that it is otherwise compliant with law to do so:

1. to the extent that any of the grounds listed in Regulations 57(1) or 57 (3) of the Public Authority Contracts Regulations 2016 (SI 284/2016) applies to such entity, the NTA shall require that the Candidate replaces such entity with another entity to whom the grounds do not apply.
2. to the extent that any of the grounds listed in Regulations 57(8) of the Public Authority Contracts Regulations 2016 (SI 284/2016) applies to such entity, the NTA may require that the Candidate replaces such entity with another entity to whom the grounds do not apply.

If the entity cannot be replaced with another entity to whom the grounds do not apply (including where the NTA concludes that to permit such replacement would be contrary to law), the NTA reserves the right to eliminate the Candidate from the Competition.

4. Pre-Qualification – Minimum Criteria

Candidates offering themselves for appointment under this Competition must satisfy the minimum criteria for participation set out in Sections 4.1 to 4.2 inclusive. Each of these criteria will be assessed on a pass/fail basis and any Candidate who fails in any criterion will be excluded from the competition.

Where the Candidate is a Consortium, the following Sections 4.1 to 4.2 indicate whether the relevant minimum criterion may be satisfied by the Consortium as a whole and/or whether there are individual requirements for each Candidate Member.

In addition, Candidates and Candidate Members may rely on the capacities of other entities to meet the minimum criteria, as set out in Section 7.14. Where reliance is placed on another entity to meet the minimum criteria, sections 4.1 to 4.2 indicate whether the relevant minimum criterion may be met by the Candidate/Candidate Member in reliance on the other entity and/or whether there are individual requirements that must be met by any entity.

Candidates shall note that a substantive response to criteria 4.1 must be provided with the Pre-Qualification Submission. The ESPD should also be provided, but mere provision of the ESPD shall not suffice for the purposes of meeting the minimum requirements in section 4.1 and Candidates shall not purport to respond to sections 4.1 by way of ESPD only.

If one or more shortlisted Candidate fails to meet the minimum requirements or withdraws before the commencement of the ITN phase, the NTA reserve the right to invite the next highest-ranking Candidate or Candidates to participate in the ITN phase of the procurement process, in order to keep five (5) Candidates in the competition.

If the Candidate (where it is a single entity or a Consortium) and the relevant Reliance Entity (if any) has not met the minimum requirements in the Pre-Qualification Questionnaire, they may be deemed non-compliant and the Candidate (and any other Reliance Entities or Candidate Members associated with it) may be eliminated from the competition.

If the NTA is not satisfied that the Candidate satisfies the Economic and Financial Standing minimum criteria set out in Section 4.2, based on the material initially submitted by the Candidate, the NTA will, at its discretion, permit a Candidate to submit alternative evidence or explanations to demonstrate that the Candidate as a whole has the requisite financial capacity.

4.1 Criterion: Minimum Turnover (Pass/Fail Assessment)

The minimum requirement is that the Candidate must demonstrate (by producing in their Pre-qualification Submission) audited accounts or certification of turnover by a registered auditor) an annual turnover, in each of the last three (3) financial years or for the years of operation of a company established within the last three (3) years of at least:

- €10,000,000 (ten million euros) excluding VAT

The Candidate (and where the Candidate is a Consortium, each Candidate Member) or any third party whose financial resources are being relied upon to meet the Selection Criteria must provide audited accounts for their last three (3) financial years, including all notes to the accounts with their

Pre-qualification Submission. If the previous financial year's financial statements have yet to be audited, a letter from the entity's accountant certifying the turnover figure for that year should be provided. It is the responsibility of the Candidate to provide audited accounts to the NTA once these become available.

Where the Candidate is a Consortium, this minimum criterion may be satisfied by Candidate Members in aggregate. A Candidate Member may rely on the capacities of another entity to meet these minimum criteria, subject to the Section 7.14.

The Lead Member of a Consortium must also demonstrate (by producing audited accounts or certification of turnover by a registered auditor) an annual turnover, in each of the last three (3) financial years (or each of the years of operation of a company established within the last three (3) years) of at least €5,000,000 (five million euros) excluding VAT.

In case the turnover is reported in a different currency than EUR (€), Candidates should use the average exchange rate per relevant period as per ECB Euro system, which can be found here:

https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/index.en.html

Failure to meet the minimum requirement in this section 4.1 will result in elimination from the Competition.

4.2 Criterion: Insurance Requirements (Pass/Fail Assessment)

The Successful Tenderer will be required, at a minimum, to take out and maintain at its sole cost and expense the following minimum insurance levels, for the benefit of the NTA at all times for the duration of the Contract, and for such further times as is reasonable and/or may be required in the circumstances or by law;

- a) Employer's Liability of €13,000,000 (thirteen million euros) for any one occurrence, with no restriction on number of occurrences in the period of insurance.
- b) Public Liability of €6,500,000 (six million and five hundred thousand euros) for any one occurrence, with no restriction on the number of occurrences in the period of insurance.
- c) Professional Indemnity of €6,500,000 (six million and five hundred thousand euros) any one occurrence, with no restriction on the number of occurrences in the period of insurance. This is to be maintained for the period of six (6) years following completion of the Contract.

If the Successful Tenderer is a Consortium, each Candidate Member must meet each of the insurance requirements or, alternatively, be covered by the insurance of another Candidate Member if it does not meet a particular requirement.

The minimum requirement is that the Candidate must be able to demonstrate that it can put in place the required insurances if successful.

It shall suffice for the purposes of responding to this PQQ to provide a declaration by way of ESPD (by ticking yes to the Global Indication for all selection criteria (Part IV of the ESPD) that all insurance requirements can be obtained by the Candidate (and for a Consortium Candidate, all Candidate Members); and

On request, the Candidate (and for a Consortium Candidate, all Candidate Members) and any entity on whom reliance is being placed, will be required to provide an original Broker's letter from the insurance Broker's for the Candidate, confirming they can secure the insurance cover required. Failure to provide such a letter on request may result in elimination from the Competition.

Candidates should note that it is a pre-condition to award of the Contract that the Successful Tenderer shall provide the NTA with evidence that the required insurances are in place.

5. Pre-Qualification Criteria – Qualitative Assessment

The NTA intends to shortlist a maximum of five (5) Candidates, subject to the provisions of Section 5.3. The outcome of the qualitative assessment as set out in this section will determine the shortlist.

The objective of the qualitative assessment is to assess and score the individual Pre-Qualification Submissions to rank the individual submissions. The qualitative assessment will therefore evaluate and score individual submissions based on the quality of the Candidate’s experience demonstrated in their response to criteria 4.A.1 to 4.A.3.

Candidates will be required to provide two (2) Reference Examples per criteria that will be used to address criteria 4.A.1 to 4.A.3. Responses to criteria 4.A.1 to 4.A.3 shall be by reference to the Reference Examples only.

For the avoidance of doubt, the Candidate must provide a substantive answer to qualitative criteria 4.A.1 to 4.A.3, as part of its submission. It will not suffice to purport to respond to these criteria by way of ESPD. Failure to provide a response to any of the qualitative criteria may lead to the Candidate being eliminated from the competition.

5.1 Qualitative Assessment Criteria

Candidates who have not been eliminated following review of the minimum criteria will be assessed on the basis of the qualitative criteria set out in Section 4 of Document 2. Table 1 below illustrates the weightings associated with each criterion. Candidates are referred to Section 4 of Document 2 for full details of each qualitative criterion against which Candidates will be required to detail previous experience.

Table 1 – Qualitative criteria weighting

Qualitative Criteria	Weighting	Minimum Score (see Table 2)
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4.A.1 – Quality of experience and expertise acting as an Oversight and Assurance Team for Clients or Project Sponsor organisations (or equivalent) for major infrastructure projects. (Related to two Reference Projects)	500	200
4.A.2 – Quality of experience and expertise in carrying out technical assurance activities relating to major infrastructure projects. (Related to two Reference Projects)	250	100
4.A.3 – Quality of experience and expertise in carrying out assurance on project reporting and controls (risk, budget, scope, and project benefits) (Related to two Reference Projects)	250	100
Total	1,000	

Each criterion shall be assessed and scored out of a maximum raw score of 5 in accordance with the scoring matrix in Table 1.

Table 2 – Scoring guidance

Experience (i.e. participation in the relevant activity) / Expertise (i.e. special skill and knowledge regarding the relevant activity)	Marks out of 5
Demonstrates excellent experience and expertise in relation to the criterion.	5
Demonstrates very good experience and expertise in relation to the criterion.	4
Demonstrates good experience and expertise in relation to the criterion.	3
Demonstrates adequate experience and expertise in relation to the criterion.	2
Demonstrates very poor experience and expertise in relation to the criterion.	1
No response or profound reservations.	0

The raw scores (out of five (5)) which a Candidate receives for each criterion shall be divided by five (5) and then multiplied by the weighting relating to that criterion. For example, if a Candidate obtains a raw score of three (3) out of five (5) for criterion 4.A.1, the weighted score will be three hundred (300) (being three (3) divided by five (5) and then multiplied by five hundred (500)). Weighted scores will then be added together to provide a total weighted score for that Candidate in relation to the qualitative criteria. Raw scores will be integer values and allocated based on the professional judgment of the evaluators having regard to the guidance in Table 2 above. Where a response has

characteristics of more than one band, the evaluators will apply their professional judgment to select the appropriate band. Individual statements in the above bands are separate and not cumulative.

In order to be eligible for pre-qualification, Candidates must receive a raw score of at least 2 out of 5 in respect of each criterion (4.A.1 to 4.A.3). For the avoidance of doubt, Candidates that do not attain the minimum scoring requirement shall be eliminated from the competition and shall not be ranked.

5.2 Worked Scoring Example

A worked scoring example has been provided to Candidates at Appendix 2 of this Information Memorandum. This provides an example of the scoring approach, such that the Candidates can fully understand how the allocation of scores shall flow through to the total score for the qualitative assessment.

5.3 Selection of Candidates

Those Candidates which meet or exceed the minimum scoring requirement will be ranked according to the overall scores, with the Candidate with the highest overall score being ranked first and the Candidate with the lowest overall score being ranked lowest. The NTA intends to invite the five (5) highest ranking Candidates (provided there are a sufficient number of suitable Candidates) to Tender.

In the event of a tie between two or more Candidates, the Candidate with the higher overall mark for criterion 4.A.1 shall be deemed to be the higher-ranked Candidate.

If there still is a tie between two or more Candidates following the application of the tie-break criterion above, the Candidate with the higher overall mark for criterion 4.A.2 shall be deemed to be the higher ranked Candidate.

If there still is a tie between two or more Candidates following the application of the tie-break criterion above, the Candidate with the higher overall mark for criterion 4.A.3 shall be deemed to be the higher ranked Candidate.

If there still is a tie between two or more Candidates following the application of the tie-break criterion above, all tied Candidates will advance to the next stage of the competition.

6. Format of Responses

Candidates must complete the Pre-Qualification Questionnaire, Document 2 of 2 of the Pre-Qualification Documents, which must be returned to the NTA in accordance with the instructions in Section 10. Candidates must submit a completed ESPD as part of their response to the Pre-Qualification Questionnaire.

The NTA reserves the right to seek further evidence substantiating the submissions (including the ESPD) at any time. Any Candidate who cannot provide any information required by the NTA within the timeframe specified by the NTA (as may be extended at its discretion) or whose evidence demonstrates that the minimum qualification criteria are not met, will be eliminated.

7. General Provisions

7.1 Consortia

Applications to participate may be submitted by single entities or by a Consortium. The NTA acknowledges that, in order to offer the range, and depth of skills required, entities may wish to form a Consortium that will apply to prequalify.

Where the successful Candidate is a Consortium, it is currently anticipated that the Lead Member will be required to be liable for the full performance of the Services (with other Candidate Members of the Consortium, acting as subcontractors / subconsultants, entering into collateral warranties with the NTA, if required by the NTA). The NTA reserves the right to require the Consortium to contract on any other basis that the NTA considers appropriate, including on the basis of joint and several liability.

7.2 Multiple Participation

The NTA recognises that there may be entities (such as key subcontractors / subconsultants) who wish to be involved with more than one Candidate in this competition. Where any entity wishes to participate with more than one Candidate, it must contact the NTA, in accordance with Section 9.2 and at least ten (10) working days before the Submission Deadline, to seek approval (which may be conditional). No entity may be involved with (including acting as advisor to or subcontractor / subconsultant to) more than one Candidate without the prior approval of the NTA. Following notification, the NTA will take such steps, as it considers appropriate, which may include prohibiting the entity from being involved with more than one Candidate or making such involvement conditional on certain requirements being met. These requirements may include, but may not be limited to, requiring certain information barriers to be put in place within the entity and requiring confirmation that each Candidate with whom the entity is participating is aware of, and has no objection to, the participation on multiple teams. Failure to comply with the requirements of this section may result in submissions from all Candidates containing the common entity being excluded from the competition.

7.3 Change in circumstances

The information submitted as part of a Pre-Qualification Submission (in particular, but without limitation, regarding the circumstances, ownership, structure, and/or control of a Candidate and/or

the Members or any entity being relied upon) may only be changed following the submission of the Pre-Qualification Submission, with the consent of the NTA. Such consent must be sought from the NTA, in writing, as soon as the Candidate is aware of any change in circumstances or of any proposed change – failure to do so may lead to disqualification of the Candidate. The NTA will undertake an assessment of the new entity to ensure it satisfies the criteria outlined in these PQQ Documents. The NTA reserves the right, at its absolute discretion, to withhold such approval for any such change in such circumstances and to disqualify the Candidate from further participation in the procurement process.

7.4 Information Provided by Candidates

Candidates are referred to the Data Protection Notice set out in Appendix 2.

The NTA is subject to the provisions of the Freedom of Information Act 2014 and other legislation in relation to access to information. Therefore, where Candidates consider any information, they provide during 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 considered by the NTA in considering requests, if any, for access to such information under applicable legislation.

Candidates shall note that, on conclusion of the Contract, the Contract 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, or any other legislation in relation to access to information.

Statutory requirements will, in all circumstances, supersede all the stated requirements of the various parties.

7.5 Publicity

Candidates shall note that, save as provided for under Section 7.4 above, the NTA shall have the right to publicise or otherwise disclose to any third party, information regarding the awarding of the Contract, details of Candidates or Tenderers, and the details of the Successful Tenderer, including details of the tendered cost of the Services to be acquired.

Candidates shall not at any time release information concerning this competition and/or accompanying documentation and/or the scope of works and/or Services for publication in the press or on radio, television, screen or any other medium without the prior written consent of the NTA.

7.6 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. If a conflict or potential conflict of interest should arise, the NTA shall, in its absolute discretion, decide on the appropriate course of action.

A conflict of interest or potential conflict of interest includes any situation where a person or entity involved in the Competition has, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise his or her impartiality and independence in the context of the Competition.

In the event of a conflict of interest or potential conflict of interest, the Candidate must contact the NTA in accordance with section 9.2 to fully disclose (in writing) details about such conflict of interest or potential conflict of interest. Following receipt of such information, the NTA will, in its absolute discretion, decide on the appropriate course of action, which may include (but not be limited to) excluding the Candidate from the competition or permitting the Candidate to continue, subject to safeguards, approved by NTA, being put in place and observed, in which case, the NTA may require supporting documentation including a Conflict Management Plan from the Candidate in relation to such safeguard mechanisms or mitigation systems.

Without prejudice to the forgoing, any registerable interest, involving the Candidate and the NTA members of the board of the NTA, or employees of the NTA or their relatives must be fully disclosed in the application, or should be communicated to the NTA immediately upon such information becoming known to the Candidate, in the event of this information only coming to their notice after the Pre-Qualification Submission. The terms “registerable interest” and “relatives” shall be interpreted in line with the Ethics in Public Office Act, 1995 (as amended).

Candidates are expressly and strictly prohibited from discussing any aspect of their Pre-Qualification Submission or this Information Memorandum with any other Candidate or Member(s) of any other Consortium or otherwise exchanging information or colluding in respect of the goods/services required unless the NTA specifically approves a Candidate’s involvement in more than one Consortium. Any Candidate who fails to comply with this requirement may be disqualified.

Candidates should note that this competition is part of the wider MetroLink Programme, and that the NTA intends to procure a large number of contracts in connection with the MetroLink Programme. All entities who are appointed to a contract in connection with the MetroLink Programme will be required to abide by the NTA MetroLink Major Contracts Procurement Probity and Ethics Requirements Policy, which seeks to minimise the risk of conflicts of interest arising across the MetroLink Programme as a whole.

Candidates should note that the NTA has certain obligations pursuant to applicable law to ensure that this Competition, and future competitions, are not distorted by conflict of interest and/or by the prior involvement of Candidates and Tenderers. With that in mind, the NTA will have to consider whether the entity which is ultimately appointed to the role of OAT would be permitted to tender for certain future opportunities, bearing in mind any conflict that might arise by virtue of its position as OAT.

At this stage the NTA is not imposing any prohibition which would prevent a Candidate from tendering for, or being appointed to, any particular role in relation to the MetroLink Programme other than as described in Section 2.2. Neither is the NTA providing any assurances that the Candidate will be permitted to tender for any subsequent opportunities connected to the MetroLink Programme. The NTA will consider any potential conflicts of interest and/or prior involvement issues that may arise in connection with a subsequent tender process, at the time of the relevant tender process, and on a case-by-case basis having regard to the circumstances of the relevant competition and in accordance with applicable law. The successful Tenderer may be permitted to participate in subsequent processes, or may be prohibited from participating, or may be permitted to participate subject to certain conditions. Candidates should bear this in mind when considering whether to tender for the role of OAT and should be mindful of this when resourcing the role of OAT (if successful).

7.7 Costs

The NTA will not be liable in respect of any costs incurred by Candidates in this competition, including in the preparation of Pre-Qualification 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 also be responsible for any costs incurred by them in the event of them being required to attend for interview and/or make a presentation of their submission or clarify any aspect of their submissions.

7.8 NTA Right of Clarification

The NTA reserves the right to seek clarification of Pre-Qualification Submissions (and may seek further information) where it considers appropriate to do so, subject to the principles of transparency, equal treatment and proportionality. However, Candidates should not assume that they will have any opportunity to clarify any aspect of their submission and should ensure that their submission is clear and complete.

7.9 Tax Clearance Certificate

Except in the case of a Candidate that is non-resident in Ireland, it is a condition for the award of the Contract that the Successful Tenderer must be able to promptly produce for inspection a valid tax clearance certificate or tax access code and tax registration number from the Irish Revenue Commissioners. A successful Candidate 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 awarded the Contract. The OAT shall continue to hold, in good standing, current issues of all such certificates for the duration of the Contract.

Either the tax clearance certificate or statement from the Revenue Commissioners or the Tenderer's tax clearance access number and tax reference number must be provided to the NTA within fourteen (14) days of a request for same, or such longer period as the NTA may determine. In the event of failure to provide the tax clearance certificate within the stipulated period, the NTA shall, in its absolute discretion, decide on the appropriate course of action which may mean awarding the contract to the next most economically advantageous Tenderer.

When supplying the Tax Clearance Access Number and the Tax Reference Number the Successful Tenderer acknowledges and agrees that the NTA has the permission of the Successful Tenderer to verify its tax cleared position online.

7.10 Insurance Certificates

It is a condition for the award of the Contract that the Successful Tenderer must be able to produce for inspection valid insurance certificates in respect of the insurances required under the Contract.

The valid insurance certificates must be provided to the NTA within fourteen (14) days of a request for same, or such longer period as the NTA may determine. In the event of failure to provide

satisfactory valid insurance certificates within the stipulated period, the NTA shall, in its absolute discretion, decide on the appropriate course of action.

7.11 Prompt Payment of Accounts Act

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

7.12 English Language

All documents submitted to the NTA, including any correspondence, shall 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.

7.13 Non-Compliant 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 not 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 submission:
 - a. Meeting with, raising issues and/or seeking clarification from the Candidate in respect of the relevant 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 submissions based on such revised requirement.

7.14 Reliance on Capacities

Where, in order to prove its suitability for the Contract, a Candidate or a Candidate Member wishes to rely on the capacities (including, for the avoidance of doubt, turnover) of entities or undertakings 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's capacities), the Candidate must demonstrate the commitment of such other entity to provide the necessary capacities, for example by providing a letter from such entity confirming that it will provide the capacities or resources being relied upon and will execute a contractual commitment to that effect if required by the NTA to do so.

Any entity being relied upon in accordance with this section must complete an ESPD and such completed ESPD must be included in the Pre-Qualification Submission.

A guarantee or other commitment from such entity may be required as a condition of contract award. If availability of capacities is not established to the satisfaction of the NTA, the NTA will assess the suitability of the Candidate without considering the capacities of such entity.

The NTA reserves the right to require the reliance entity and the Candidate / Candidate Member to contract on any basis that the NTA considers appropriate, including on the basis of joint and several liability.

7.15 Prior Knowledge

Candidates must not make assumptions that the NTA or any of its advisors have prior knowledge of their organisation or their service provision. Candidates will be evaluated on the information provided in their submission, as may be clarified in accordance with the provisions of this Information Memorandum.

7.16 Confidentiality

Candidates must treat their Pre-qualification Submissions and their participation in this competition as confidential.

In the event of a submission not being submitted, or being unsuccessful, the NTA may require that the whole of the documentation issued by the NTA in connection with the competition, together with all copies made, shall be returned to the NTA or destroyed, at the NTA's discretion.

7.17 Sanctions

The NTA reserves the right to exclude any Candidate from the competition should the NTA be of the view that entry into any contract with such Candidate (bearing in mind any consortium members or entities relied upon) be contrary to any applicable law or regulation, including any applicable sanctions regime. Candidates are required to disclose in their Pre-qualification Submission any issues giving rise to possible sanctions application.

8. Indicative Timetable

The following table contains an overview of the indicative timetable for the qualification and award stages (this timetable is subject to change at the sole discretion of the NTA):

Table 3 – Indicative procurement timetable

STAGES IN PROCUREMENT PROCESS	INDICATIVE TARGET DATES
Publication of Contract Notice	Refer to eTenders portal
Deadline for submission of questions or clarifications	Ten (10) days prior to Submission Deadline
Deadline for receipt of Pre-Qualification Submissions	As set out in Section 10 of this document
Issue ITN	August 2026
Tender submission	September 2026
Contract Award	October 2026

9. Information and Communications

9.1 Amendments and/or Clarifications

If the NTA believes a clarification of and/or amendment to the Pre-Qualification Documents 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 the Pre-Qualification Documents and/or issue such additional information at any time (even where arising from a confidential query).

9.2 Communications and Queries

All queries 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. Any communication shall state clearly that it relates to **“Competition for Provision of Programme Oversight and Assurance team Services in relation to the MetroLink Programme”**.

Candidates may not address queries to, or communicate with, the NTA other than in the manner provided for in this section. Queries may not be made verbally or by any other means, and the NTA reserves the right to eliminate any Candidate who attempts to engage in canvassing.

Although the NTA reserves the right to respond to late queries, queries should be received by the NTA no later than the deadline for submission of questions or clarifications (see Table 3). The NTA will endeavour to respond to all reasonable queries / requests received prior to the clarification deadline but does not undertake to respond to all queries / requests received. NTA reserves the right to, but is not obliged, to respond to queries received after the deadline.

The NTA will, if appropriate, circulate to all Candidates copies of all queries submitted pursuant to this Section 9, together with the NTA’s responses thereto, by posting the responses to the queries via the Irish Government’s e-tenders website, 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 along with the NTA’s responses.

If a Candidate believes a query relates to a confidential or commercially sensitive aspect of its Pre-Qualification Submission, it must mark it as “Confidential” and clearly state the reason why.

If the NTA, at its discretion, is satisfied that the query should be properly regarded as confidential or commercially sensitive, the nature of the query and its response shall be kept confidential (subject to the requirements of any law, or applicable requirements).

If, however, in the opinion of the NTA, it would be inappropriate to answer the query on a confidential basis, it will notify the Candidate and require the Candidate to either withdraw the query or to raise any objection within three (3) working days of such notification and state the grounds for its objection.

If the Candidate does not withdraw the clarification question or raise any objection within the specified period, or the NTA is of the opinion that, notwithstanding the objection of the Candidate or the Candidate’s withdrawal of the clarification question, the clarification question is not confidential or commercially sensitive, or that a clarification or additional information in respect of part or all of the subject matter of the question should be issued, the NTA may issue the clarification question and

its response to all of the Candidates, or may exercise its rights under this section to amend/clarify the Pre-Qualification Documents or issue additional information to all Candidates.

Notwithstanding anything else in the Pre-Qualification Documents, if the NTA is of the opinion that the Pre-Qualification Documents need to be supplemented with information which clarifies or amends them (including by adding to or deleting information), whether because of any query raised by a Candidate or otherwise, it is entitled to do so at any time.

It is a requirement of the NTA that all exchanges shall be kept confidential by the Candidates and not disclosed to any person, save as may be required by law. The NTA requires that all information provided by Candidates or by the NTA pursuant to this Competition shall be treated in strictest confidence by Candidates, and by submitting a Pre-Qualification Submission, Candidates shall be deemed to acknowledge and agree.

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

If a Candidate considers any part of this document or any of the other Pre-Qualification Documents to be unclear, ambiguous, or inconsistent with the other documents published in relation to the competition, the Candidate shall raise a clarification query with the NTA. Note that the Candidate must notify the NTA, even when the time for submitting queries has expired. The NTA shall, upon receipt of such notification, determine the appropriate action and may notify all Candidates of its ruling in respect of any such ambiguity, discrepancy, error or omission.

10. Return of Submissions

The deadline for receipt of Pre-Qualification Submissions is **12:00 pm (noon - Irish time) on Wednesday 5th August 2026** or such later date and time as may be notified to Candidates.

Candidates must submit one soft copy of their Pre-Qualification Submission via the eTenders post-box facility on www.etenders.gov.ie by the Submission Deadline. Only submissions submitted to the electronic post-box will be accepted. Submissions submitted by any other means (including but not limited to by email, fax, post or hand delivery) will not be accepted.

Pre-Qualification Submissions must be received by the indicated time on the Submission Deadline. Only in exceptional circumstances outside the control of the Candidates will Pre-Qualification Submissions received after the indicated time on the Submission be accepted, and this will be entirely at the discretion of the NTA. Candidates must ensure that they give themselves enough time to upload and submit all required Pre-Qualification Submission documentation before the Submission Deadline has passed. Candidates should note that the file size limit for attachments sent to the electronic postbox is 250 MB and the total (combined) attachment size per response is 500 MB. Candidates should check the status and progress bar to ensure attachments are completely uploaded prior to submitting a document in an electronic postbox or for any of the required criteria. Before clicking submit response, Candidates should ensure that all updated criteria have reached a 100%. After submitting a response Candidates may still modify and re-send the response up until the response deadline. Candidates should be aware that the “submit Response” button will be disabled automatically upon expiration of the response deadline.

All Submissions submitted in soft copy must be compiled such that they can be read immediately using Microsoft Office or PDF reader. The NTA is not responsible for corruption in electronic documents. Candidates must ensure electronic documents are not corrupt.

Appendix 1 – Worked Scoring Example

The following table provides a worked example of the qualitative assessment scoring.

Criteria	Criteria Weighting	Raw Score (out of 5)	Weighted Score
	A	B	C (C=A * B/5)
4.A.1	500	3	300
4.A.2	250	5	250
4.A.3	250	3	150
		Total weighted score	700

Appendix 2 – 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 members of your Consortium;
- Referees;
- Revenue.ie and
- etenders.gov.ie.

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 authority vested in us.

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

- Your employer;
- Other members of your Consortium;
- Our third-party service providers, such as advisors and contractors;
- Regulators or oversight bodies; and
- Our employees.

If you are unsuccessful as part of the tender process, such personal data will be retained until three (3) 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 authority, the Data Protection Commission.

The procurement documents set out, in respect of each criterion or requirement, whether a response (including any personal data required 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).