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Not applicable

## **Site G Churchill Gardens, Bromley - Development Agreement**

London Borough of Bromley

F14: Notice for changes or additional information

Notice identifier: 2022/S 000-001747

Procurement identifier (OCID): ocds-h6vhtk-030d6c

Published 20 January 2022, 4:38pm

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

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

London Borough of Bromley

Bromley Civic Centre, Stockwell Close

Bromley

BR1 3UH

#### **Contact**

Miss Lorraine Baker

#### **Email**

[procurement@bromley.gov.uk](mailto:procurement@bromley.gov.uk)

#### **Telephone**

+44 2084617722

#### **Country**

United Kingdom

**NUTS code**

UKI61 - Bromley

**Internet address(es)**

Main address

<http://www.bromley.gov.uk/>

Buyer's address

<http://www.bromley.gov.uk/>

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## **Section II: Object**

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

#### **II.1.1) Title**

Site G Churchill Gardens, Bromley - Development Agreement

Reference number

DN567880

#### **II.1.2) Main CPV code**

- 45000000 - Construction work

#### **II.1.3) Type of contract**

Works

#### **II.1.4) Short description**

The Council holds a Development Agreement with Countryside Properties (UK) Ltd on Site G Churchill Gardens, Bromley, BR2 covering the comprehensive redevelopment of land at Ethelbert Close and rear of High Street, Bromley for a major residential led scheme representing the next phase of development of Opportunity Site G as designated within the Bromley Town Centre Area Action Plan.

Regarding the value as referenced at II.1.7 and V.2.4 of this notice: As explained herein, the VA is varying the terms of the DA. The DA and the VA can requested from the following email address: [infoSiteG@bromley.gov.uk](mailto:infoSiteG@bromley.gov.uk).

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## **Section VI. Complementary information**

### **VI.6) Original notice reference**

Notice number: [2021/S 197-515249](#)

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## **Section VII. Changes**

### **VII.1.2) Text to be corrected in the original notice**

Section number

#### II.1.4

Instead of

Text

As explained herein, the VA is

varying the terms of the DA. The DA and the VA can be requested at the following email address:

[infoSiteG@bromley.gov.uk](mailto:infoSiteG@bromley.gov.uk) .

Read

Text

As explained herein, the Variation Agreements are varying the terms of the original Development Agreement. Copies of the Development Agreement and Variation Agreements can be requested at the following email address: [infoSiteG@bromley.gov.uk](mailto:infoSiteG@bromley.gov.uk)

Section number

#### IV.1.1

Instead of

Text

Award of a contract without prior publication of a call for competition in the Official Journal of the European Union in the cases listed below

- The procurement falls outside the scope of application of the directive

Explanation:

This is a voluntary ex ante transparency notice ("VEAT Notice") pursuant to regs. 99-101 of the Public Contracts Regulations 2015 ("the PCR 2015") relating to a Variation Agreement dated 24 September 2021 ("the VA") to a Development Agreement dated 28 September 2017 ("the DA").

Full copies of the following documents can be requested from [infoSiteG@bromley.gov.uk](mailto:infoSiteG@bromley.gov.uk):

I. the DA dated 28 September 2017

II. the VA dated 24 September 2021

III. The DA with tracked changes indicating the impact on clauses of the VA

IV. Report to the 15 July 2021 meeting of the London Borough of Bromley's Executive Committee

V. Minutes of the 15 July 2021 meeting of the London Borough of Bromley's Executive Committee.

Read

Text

Award of a contract without prior publication of a call for competition in the Official Journal of the European Union in the cases listed below

- The procurement falls outside the scope of application of the directive

Explanation:

This is a voluntary ex ante transparency notice ("VEAT Notice") pursuant to regs. 99-101 of the Public Contracts Regulations 2015 ("the PCR 2015") relating to a Variation Agreements dated 24 September 2021 and November 2021 (currently being finalised) ("the VA") to a

Development Agreement dated 28 September 2017 ("the DA").

Full copies of the following documents can be requested from [infoSiteG@bromley.gov.uk](mailto:infoSiteG@bromley.gov.uk) :

I. the DA dated 28 September 2017

II. the VA dated 24 September 2021

III. The VA dated 7 January 2022

IV. The DA with tracked changes indicating the impact on clauses of the VA

V. Report to the 15 July 2021 meeting of the London Borough of Bromley's Executive Committee

VI. Minutes of the 15 July 2021 meeting of the London Borough of Bromley's Executive Committee.

Section number

#### IV.1.1

Instead of

Text

The nature, scope and effect of the VA is as set out in these documents, which any interested party is invited to read in full.

London Borough of Bromley considers that the VA does not give rise to the award of a new public contract or constitute an unlawful modification contrary to regs. 72 and 73 PCR 2015 because:

I. the modifications effected by the VA are not substantial within the meaning of reg. 72(8), PCR 2015; or

II. The modifications effected by the VA are permitted pursuant to reg. 72(1)(c), PCR 2015 because the need

for the modifications has been brought about by circumstances which a diligent contracting authority could not have foreseen. The relevant circumstances are, in summary, changes in market, economic and other conditions during the relevant period that have made performance of the DA more difficult and/or costly.

Read

Text

The nature, scope and effect of the VA is as set out in these documents, which any interested party is invited to read in full.

London Borough of Bromley considers that the VAs do not give rise to the award of a new public contract or constitute an unlawful modification contrary to regs. 72 and 73 PCR 2015 because:

I. the modifications effected by the VAs are not substantial within the meaning of reg. 72(8), PCR 2015; or

II. The modifications effected by the VAs are permitted pursuant to reg. 72(1)(c), PCR 2015 because the need for the modifications has been brought about by circumstances which a diligent contracting authority could not have foreseen. The relevant circumstances are, in summary, changes in market, economic and other conditions during the relevant period that have made performance of the DA more difficult and/or costly.