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Award

Project Texas

Loughborough University

F15: Voluntary ex ante transparency notice

Notice identifier: 2025/S 000-002093

Procurement identifier (OCID): ocds-h6vhtk-04d52f

Published 21 January 2025, 7:05pm

Section I: Contracting authority/entity

I.1) Name and addresses

Loughborough University

Epinal Way

Loughborough

LE11 3TU

Contact

Mark Chester

Email

M.T.Chester@lboro.ac.uk

Telephone

+44 1509228186

Country

United Kingdom

Region code

UKF2 - Leicestershire, Rutland and Northamptonshire

Internet address(es)

Main address

<https://www.lboro.ac.uk>

I.4) Type of the contracting authority

Body governed by public law

I.5) Main activity

Education

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Project Texas

Reference number

LU00958

II.1.2) Main CPV code

- 70000000 - Real estate services

II.1.3) Type of contract

Services

II.1.4) Short description

The University proposes entering into an agreement for lease with Stoford Loughborough Limited (“Stoford”) that will, subject to the satisfaction of certain conditions precedent, result in the grant of a long lease by the University of a site owned by the University (“the site”) to a lessee nominated by Stoford (“the lessee”). Stoford proposes to commission the construction by a building contractor for the lessee of a new advanced manufacturing facility on the site, along with site specific infrastructure, which the lessee will sub-lease to an occupier (“the sub-lessee”). The building contractor will also provide certain infrastructure works on land owned by the University adjacent to the site, comprising a new roundabout, spine road and drainage, which will be owned by the University.

II.1.6) Information about lots

This contract is divided into lots: No

II.1.7) Total value of the procurement (excluding VAT)

Value excluding VAT: £4,000,000

II.2) Description

II.2.2) Additional CPV code(s)

- 70112000 - Development of non-residential real estate
- 70120000 - Buying and selling of real estate

II.2.3) Place of performance

NUTS codes

- UKF2 - Leicestershire, Rutland and Northamptonshire

Main site or place of performance

Leicestershire, Rutland and Northamptonshire

II.2.4) Description of the procurement

The University is to enter into an agreement for lease with Stoford Loughborough Limited (“Stoford”) in respect of land located at the University’s Science and Enterprise Park. The agreement for lease provides for the grant of a 150-year lease to the lessee subject to conditions precedent including, amongst others, the obtaining of planning permission and Stoford entering into an agreement with the lessee whereby the lessee will accept the lease for agreed purposes. These are that Stoford will oversee the construction for the lessee by a building contractor of a new building comprising manufacturing, warehousing, offices, clean room facilities and site-specific infrastructure which will be sub-leased by the lessee to the sub-lessee pursuant to separate arrangements. To allow the new facility to be developed, occupied and accessed, infrastructure (roundabout, spine road and drainage) will be provided on separate land which will continue be owned and occupied by the University.

II.2.11) Information about options

Options: No

II.2.13) Information about European Union Funds

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

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Award of a contract without prior publication of a call for competition in the cases listed below

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

Explanation:

The transaction outlined will result in infrastructure works being constructed on land owned by the University. However, the University considers that the transaction does not, for that reason, constitute a public works contracts within the scope of the regulations. First, it is assumed for the purposes of publication of this Notice that the University is a contracting authority which is bound to comply with the regulations. However, the University reserves its position on that issue. Second, the main subject matter of the transaction from the point of view of the University is the disposal of a parcel of its land at the Science and Enterprise Park by way of the agreement for lease with Stoford and, ultimately, the long lease by the University to the lessee. Stoford, the lessee and (under separate arrangements) the sub-lessee have their own objectives including the construction, leasing and occupation of the new facility along with the infrastructure works which are necessary to facilitate occupation of and access to the facility. The University's objective is the disposal of its land, as it will not be party to the subsequent development and leasing of the facility. The disposal of the University's land will result in the provision of certain infrastructure works on the University's retained land, the value of which will be reflected in the premium paid by the lessee for its lease of the site. These works are ancillary and/or incidental to the primary objective of disposing of the parcel of land upon the terms of the long lease and necessary to facilitate occupation of and access to the new facility and would not take place in the absence of the disposal of the University's land. On that basis, the transaction is not a public works contract because of the application of regulation 4(2) of the regulations. For the avoidance of doubt, the construction works which are to be carried out on the University's retained land are not objectively separable from the construction works which are to be carried out on the site, as they are to adjoin and connect with the site and will be performed by the same building contractor under a single contract. Third, the University will have no right to procure the construction of the facility and can exercise no control over the form or specifications of the development of the site other than prescribing that the uses of the new facility are aligned to those that will be imposed through the planning permission process. The building contract for the construction of the facility, between Stoford and a contractor to be chosen through a competitive tendering procedure could not be a public works contract for that reason also. Fourth, even if the infrastructure works on the University's retained land were separable from

the other aspects of development of the facility, their value is significantly less than the £5,372,609 threshold for public works contracts and so such works would not be subject to the application of the regulations in any event.

IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: Yes

Section V. Award of contract/concession

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

20 January 2025

V.2.2) Information about tenders

The contract has been awarded to a group of economic operators: No

V.2.3) Name and address of the contractor/concessionaire

Stoford Loughborough Limited

26-28 Ludgate Hill

Birmingham

Country

United Kingdom

NUTS code

- UKG31 - Birmingham

National registration number

16166913

The contractor/concessionaire is an SME

No

V.2.4) Information on value of contract/lot/concession (excluding VAT)

Initial estimated total value of the contract/lot/concession: £4,000,000

Total value of the contract/lot/concession: £4,000,000

Section VI. Complementary information

VI.3) Additional information

To view this notice, please click here:

<https://www.delta-esourcing.com/delta/viewNotice.html?noticeId=918855561>

GO Reference: GO-2025121-PRO-29186048

VI.4) Procedures for review

VI.4.1) Review body

Loughborough University

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Loughborough

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Telephone

+44 1509228186

Country

United Kingdom