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Award

## **Development of Food Processing Park, Port of Fleetwood**

Wyre Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2021/S 000-003705

Procurement identifier (OCID): ocds-h6vhtk-0295e1

Published 24 February 2021, 3:18pm

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

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

Wyre Council

Wyre Civic Centre,Breck Road

POULTON-LE-FYLDE

FY67PU

#### **Contact**

Marianne Hesketh

#### **Email**

[marianne.hesketh@wyre.gov.uk](mailto:marianne.hesketh@wyre.gov.uk)

#### **Telephone**

+44 1253887350

#### **Country**

United Kingdom

**NUTS code**

UKD - NORTH WEST (ENGLAND)

**Internet address(es)**

Main address

<https://www.wyre.gov.uk>

**I.4) Type of the contracting authority**

Regional or local authority

**I.5) Main activity**

General public services

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## **Section II: Object**

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

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

Development of Food Processing Park, Port of Fleetwood

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

- 45210000 - Building construction work

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

Works

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

Wyre Council (the "Council") intends to enter into a contract with Associated British Ports ("ABP") for the purchase of freehold land with a new build food processing park at Dock Avenue, Port of Fleetwood (the "Site"). It is a condition of the sale that ABP undertake development works. These works consist of construction and completion of new buildings totaling approx 4764.3 square metres for Use Class B2, 106 parking spaces, servicing, landscaping and waste provision

#### **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: £10,000,000

### **II.2) Description**

#### **II.2.2) Additional CPV code(s)**

- 45210000 - Building construction work

#### **II.2.3) Place of performance**

NUTS codes

- UKD - NORTH WEST (ENGLAND)

Main site or place of performance

Port of Fleetwood

#### **II.2.4) Description of the procurement**

As part of the Council's "Future Fleetwood" vision, the Council has committed to regenerating Fleetwood. Part of the Future Fleetwood strategy includes "Project Neptune". Project Neptune is the first phase of the regeneration of Fleetwood Docks which includes a new food processing park in order to safeguard and create local jobs. The Site is currently owned freehold by ABP. ABP has agreed to sell the Site to the Council (the "Sales Contract") and construct the facility.

Under the terms of the Sales Contract, ABP will be responsible for the redevelopment of the Site. This will include an obligation to procure, manage, monitor and supervise the design, construction and completion of the works. The works consist of the demolition of existing buildings and infrastructure at the Site and the construction and completion of buildings of 4764.3 square metres within a food processing park for Use Class B2 and 106 parking spaces in accordance with planning applications registered on 25 November 2020 and 26 November 2020 under reference 20/01087/FULMAJ AND 20/01145/FULMAJ. (the "Works"). The approximate value of the Works described is between £5 million and £10 million.

In respect of Project Neptune, ABP is subject to the Utilities Contracts Regulations 2016. ABP will appoint a building contractor to undertake the Works set out in the Sales Contract in a manner compliant with those Regulations. This will be by use of a Pagabo framework agreement and will be tendered using a Lot for works with a value between £250,000 and £10 million. The amount stated for the "total value of the procurement" is the maximum permissible under the Lot being used. The intention is that works covered by the Sales Contract commence by 1 May 2021.

#### **II.2.11) Information about options**

Options: No

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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Type of procedure**

Negotiated without a prior call for competition

- The works, supplies or services can be provided only by a particular economic operator for the following reason:

- protection of exclusive rights, including intellectual property rights

**Explanation:**

The Council relies on Regulation 32(2)(b)(iii) of the Public Contracts Regulations 2015 to enter into the Sales Contract with ABP that contains enforceable obligations to undertake the works with a value above the works threshold.

As part of the Council's "Future Fleetwood" vision, the Council has committed to regenerating Fleetwood. The Council has identified the Site as a key component in the regeneration of the area. The first phase of the regeneration of the Fleetwood docks is known as Project Neptune. The Council wishes to acquire the Site in order to create a replacement food processing plant to retain and support local jobs. This will consist of new build commercial space to accommodate food processing facilities and associated other works, including car parking and landscaping.

The Sales Contract sets out the scope of the works and references the planning permissions. The Sales Contract therefore contains an enforceable obligation on ABP to deliver a works contract for the benefit of the Council.

There is no other equivalent site in Fleetwood that can be used to deliver the scheme within the same time frame, at the same cost whether by private acquisition or by utilising CPO powers. There would be little benefit in the Council undertaking such a development from scratch in an alternative area.

The Council has no option but to proceed with the transaction, bound by conditions in the Sale Contract, as ABP has exclusive rights over the Site as the holder of the freehold, to ensure that Project Neptune is carried out without further delay which would be likely to result in detriment to the local area and local economy.

It should be noted that ABP will be undertaking a procurement process for a Building Contractor using a publically procured framework agreement, details of which are set out above. However this is subject to completion of the Sales Contract.

The Council will observe a 10 day standstill period, calculated in compliance with the Public Contracts Regulations 2015, following publication of this VEAT Notice.

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

The procurement is covered by the Government Procurement Agreement: No

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## **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**

2 December 2020

#### **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**

Associated British Ports

25 Bedford Street

London

WC2E 9ES

Country

United Kingdom

NUTS code

- UKI - LONDON

The contractor/concessionaire is an SME

No

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

Total value of the contract/lot/concession: £10,000,000

#### **V.2.5) Information about subcontracting**

The contract/lot/concession is likely to be subcontracted

Short description of the part of the contract to be subcontracted

Under the Sales Contract, ABP will appoint a building contractor to undertake the Works.

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## **Section VI. Complementary information**

### **VI.4) Procedures for review**

#### **VI.4.1) Review body**

Wyre Borough Council

Poulton Le Fylde

Country

United Kingdom