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Award

## **Purifier Studios - Award of Phase 2C VEAT Notice**

Clyde Gateway Developments Limited

F15: Voluntary ex ante transparency notice

Notice identifier: 2021/S 000-003948

Procurement identifier (OCID): ocids-h6vhtk-0296d4

Published 26 February 2021, 5:24pm

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

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

Clyde Gateway Developments Limited

Olympia, 2-16 Orr Street

Glasgow

G40 2QH

#### **Contact**

Martin McKay

#### **Email**

[martin.mckay@clydegateway.com](mailto:martin.mckay@clydegateway.com)

#### **Telephone**

+44 1412760758

#### **Fax**

+44 1412761578

**Country**

United Kingdom

**NUTS code**

UKM82 - Glasgow City

**Internet address(es)**

Main address

<http://www.clydegateway.com>

Buyer's address

[https://www.publiccontractsscotland.gov.uk/search/Search\\_AuthProfile.aspx?ID=AA11703](https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA11703)

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

Body governed by public law

**I.5) Main activity**

Other activity

Regeneration

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## **Section II: Object**

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

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

Purifier Studios - Award of Phase 2C VEAT Notice

Reference number

2019/S 213-521572

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

- 45000000 - Construction work

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

Works

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

This project will deliver the refurbishment of the existing buildings into commercial office suites creating interesting and innovative spaces

which will attract occupiers to Dalmarnock. The refurbishment of the building has been designed to be subdivided into five standalone

business studios within the existing structure - offering total of 3,759sqm of business space and up to 300 jobs.

This project (Phase 2C) will complete these works with the construction and delivery of the third phase comprising of unit 5 and the external landscape area and carparking associated with units 3-5.

delivering approximately 746sqm (8,029sqft) of net lettable office space, across ground and mezzanine levels.

#### **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: £9,482,258

## **II.2) Description**

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

- 45000000 - Construction work

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

NUTS codes

- UKM82 - Glasgow City

Main site or place of performance

Dalmarnock, Glasgow.

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

This Voluntary Ex-Ante Transparency (VEAT) Notice is published setting out Clyde Gateway Developments Limited (CGDL) intention to extend the Phase 2A contract with Clark Contracts (CCL) in respect of Phases 2C work comprising Unit 5 and external works of the purifier studio development.

### **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

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## **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:

CGDL let the original contract earlier this year (2019/S 213-521572). Recently, CGDL learned that the Scottish Government is prepared to make additional funding available for the development of this site a condition of which requires legal commitment and a grant claim by 31st March 2021. There is a substantial risk that this condition would not be met if the contract were to be procured separately. Loss of funding would mean that the development would not be able to proceed at this time as part of the current build leading to substantially increased costs in future as and when the development does proceed.

The Directive / Public Contracts (Scotland) Regulations 2015 are not applicable to the additional works because, at 1.79m GBP of additional works, Phase 2C has an estimated value substantially less than the financial threshold at which those rules apply.

Even if the Directive / Regulations did apply, the award of additional works would be permitted on the basis of Regulation 72(1)(b) justifying the instruction of additional works to the original contractor. Clark Contracts currently have possession of the site and are currently on-site delivering Phase 2A. It would not be realistic or technically possible to have a second contractor working within the same constrained footprint of a historic building at the same time as Clark Contracts to deliver work to CGDL's required timescale. This would also necessitate renegotiation of the current contract with Clark Contracts who have possession to carry out the Phase 2A works. There would be substantial duplication of costs such as preliminaries; allowing the contractor who is already on site and who has already incurred these costs on Phase 2A to continue is clearly advantageous to CGDL from a cost perspective. Moreover, the design team has been novated to Clark Contracts under the Phase 2A contract. Awarding the additional works to Clark Contracts under a single contract will also ensure that the contract, warranties and collateral warranties are unaffected and available to future tenants, purchasers or funders. The original contract was awarded with a value of 5.499m GBP and the additional works are therefore considerably less than 50% of the value of that contract.

Finally, CGDL notes that Clark Contracts Limited was the only contractor who responded to the openly advertised tender for the original contract.

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

The procurement is covered by the Government Procurement Agreement: No

### **IV.2) Administrative information**

#### **IV.2.1) Previous publication concerning this procedure**

Notice number: [2019/S 213-521572](#)

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## **Section V. Award of contract/concession**

### **Contract No**

18-541-DA1

A contract/lot is awarded: Yes

### **V.2) Award of contract/concession**

#### **V.2.1) Date of conclusion of the contract**

26 February 2021

#### **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**

Clark Contracts Limited

23 McFarlane Street

Paisley

PA3 1RY

Telephone

+44 1418478787

Country

United Kingdom

NUTS code

- UKM - SCOTLAND

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: £1,796,355

Total value of the contract/lot/concession: £9,482,258

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## **Section VI. Complementary information**

### **VI.3) Additional information**

NOTE: To register your interest in this notice and obtain any additional information please visit the Public Contracts Scotland Web Site at

[https://www.publiccontractsscotland.gov.uk/Search/Search\\_Switch.aspx?ID=642249](https://www.publiccontractsscotland.gov.uk/Search/Search_Switch.aspx?ID=642249).

(SC Ref:642249)

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

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

Glasgow Sheriff Court and Justice of the Peace Court

1 Carlton Place

Glasgow

G5 9TW

Country

United Kingdom