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Award

## **VEAT Notice GREENSQUAREACCORD LIMITED**

Wiltshire Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2022/S 000-004350

Procurement identifier (OCID): ocids-h6vhtk-03179a

Published 16 February 2022, 9:15am

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

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

Wiltshire Council

Wiltshire Council, County Hall, Bythesea Road

Trowbridge

BA14 8JN

#### **Contact**

Mr Dave Gillett

#### **Email**

[david.gillett@wiltshire.gov.uk](mailto:david.gillett@wiltshire.gov.uk)

#### **Country**

United Kingdom

#### **NUTS code**

UKK15 - Wiltshire CC

**Internet address(es)**

Main address

<http://www.wiltshire.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**

VEAT Notice GREENSQUAREACCORD LIMITED

Reference number

DN568746

**II.1.2) Main CPV code**

- 70120000 - Buying and selling of real estate

**II.1.3) Type of contract**

Services

**II.1.4) Short description**

This Notice is in respect of the transfer of land ("the Transfer") at Rudloe ("the Site") by Wiltshire Council ("the Council") to GreenSquareAccord Limited "GSA" . GSA is a registered provider of social housing. The Site was the subject of an independent third-party valuation on 12th January 2022.

**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: £240,000

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

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

NUTS codes

- UKK15 - Wiltshire CC

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

This Notice is in respect of the transfer of land ("the Transfer") at Rudloe ("the Site") by Wiltshire Council ("the Council") to GreenSquareAccord Limited "GSA" . GSA is a registered provider of social housing. The Site was the subject of an independent third-party valuation on 12th January 2022.

#### **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:

1. This Notice is in respect of the transfer of land ("the Transfer") at Rudloe ("the Site")

by Wiltshire Council ("the Council") to GreenSquareAccord Limited "GSA" . GSA is a registered provider of social housing. The Site was the subject of an independent third-party valuation on 12th January 2022.

2. The contractual terms in respect of the Transfer do not impose a duty on GSA to undertake works at the Site. GSA remains free to elect whether or not to undertake any works at the Site. As such, the Council has not committed itself to entering into a public works contract.

3. The contractual terms include various claw back provisions. The Council will receive substantial payments in the event that GSA elects to develop the Site and replaces proposed affordable housing units with market residential units or non-residential units in the course of obtaining planning permission or following development.

4. Before issuing this Notice, the Council obtained legal advice from specialist counsel concerning the operation of the Public Contracts Regulations 2015 ("PCR") and the directives to which the PCR give effect. The Council was advised that it can lawfully enter into the Transfer with GS without a procurement exercise being undertaken under the PCR 2015, including because the contractual terms effecting the Transfer do not include a legally enforceable obligation to undertake relevant works and, as such, the arrangement is not a "public works contract" under the PCR. Privilege as to that legal advice is not hereby waived.

5. The Council believes that the Transfer is permitted without a new procurement procedure. This Notice is issued protectively accordingly.

#### **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**

### **Title**

Transfer Of Land at Rudloe to GreenSquareAccord Limited

A contract/lot is awarded: Yes

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

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

15 February 2022

#### **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**

GreenSquareAccord Limited (27052R)

178 Birmingham Road

West Bromwich,

B70 6QG

Country

United Kingdom

NUTS code

- UKK15 - Wiltshire CC

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: £240,000

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## **Section VI. Complementary information**

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

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

High Court of England and Wales Royal Courts of Justice

London

WC1A 2LL

Country

United Kingdom