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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): ocds-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

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

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

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

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

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