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Tender

## **Worcester Performing Arts Centre**

Worcester City Council

F02: Contract notice

Notice identifier: 2023/S 000-004379

Procurement identifier (OCID): ocds-h6vhtk-03a537

Published 13 February 2023, 3:19pm

### **Section I: Contracting authority**

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

Worcester City Council

The Guildhall, High Street

Worcester

WR1 2EY

#### **Contact**

Mrs Caroline Smith

#### **Email**

[procurement@worcester.gov.uk](mailto:procurement@worcester.gov.uk)

#### **Country**

United Kingdom

#### **Region code**

UKG12 - Worcestershire

**Internet address(es)**

Main address

<http://www.worcester.gov.uk/>

Buyer's address

<http://www.worcester.gov.uk/>

**I.3) Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at

<https://procontract.due-north.co.uk>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://procontract.due-north.co.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**

Worcester Performing Arts Centre

Reference number

DN653647

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

- 45212322 - Theatre construction work

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

Works

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

Worcester City Council (the "Authority") is bringing to the market an excellent opportunity for the redevelopment of the site of the former Scala Theatre and Corn Exchange in the heart of Worcester City Centre to form a Performing Arts Centre.

The Authority is seeking to appoint a contractor via a two stage tender process to work with them to deliver the construction (and part design) of and deliver the architectural vision for the Project which has already been developed to RIBA Stage 3.

The Authority is seeking a contractor who will work them collaboratively in order to manage risk, cost and quality and who is sensitive to the nature of the Project, its location and the community interest in it. In addition to the main building work for the Project, the Authority intends for the appointed contractor to also undertake any demolition and enabling works that are required as part of the development of the site in preparation for the main building works.

#### **II.1.5) Estimated total value**

Value excluding VAT: £9,000,000

#### **II.1.6) Information about lots**

This contract is divided into lots: No

## **II.2) Description**

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

- 45212100 - Construction work of leisure facilities
- 45212150 - Cinema construction work
- 45212170 - Entertainment building construction work
- 45212171 - Entertainment centre construction work
- 45212300 - Construction work for art and cultural buildings
- 45212320 - Construction work for buildings relating to artistic performances
- 45212321 - Auditorium construction work
- 45212350 - Buildings of particular historical or architectural interest

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

NUTS codes

- UKG12 - Worcestershire

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

The Authority is bringing to the market an excellent opportunity for the redevelopment of the site of the former Scala Theatre and Corn Exchange in the heart of Worcester City Centre to form a Performing Arts Centre (the "Project").

The redevelopment of the Scala and Corn Exchange forms the primary aspect of the Worcester Future High Street Fund (FHSF) redevelopment programme being led by the Authority. Worcester's FHSF programme will transform the northern part of the City Centre into a diverse leisure, cultural, entertainment and residential quarter that will attract younger people and families. Since the 19th century, the Northern Gateway of Worcester City Centre has served as a commercial hub within the City. However, the area has recently been in decline as the number of vacant retail units has increased and footfall has decreased.

The objective of the FHSF programme is to create a vibrant leisure and entertainment quarter adjacent to the high-quality primary retail core providing residents and visitors with an additional attraction and extending the City Centre's overall vibrancy.

The Authority is seeking to appoint a contractor via a two stage tender process to work with them to deliver the construction (and part design) of and deliver the architectural

vision for the Project which has already been developed to RIBA Stage 3.

The Authority is seeking a contractor who will work them collaboratively in order to manage risk, cost and quality and who is sensitive to the nature of the Project, its location and the community interest in it.

In addition to the main building work for the Project, the Authority intends for the appointed contractor to also undertake any demolition and enabling works that are required as part of the development of the site in preparation for the main building works. Further details of the contract documents that the successful tenderer will be required to enter into (the "Contracts") are set out in the Procurement Documents

The Authority is using the e-procurement portal known as the Proactis Pro-Contract portal <https://procontract.due-north.com> to conduct this procurement exercise (the "Portal").

Additional information on this procurement and in relation to this Contract Notice can be found in the Procurement Documents accompanying this Contract Notice which can be accessed via the Portal.

To gain access to the Procurement Documents, interested economic operators will need to register their company details at the above website. Once registered, economic operators will be emailed a log-in and password which will allow them to gain access to the Procurement Documents. Economic operators will need to search for the invitation under Worcester City Council and then electronically submit an expression of interest and follow the online instructions to view the Procurement Documents.

#### **II.2.5) Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

#### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

End date

31 December 2024

This contract is subject to renewal

No

#### **II.2.9) Information about the limits on the number of candidates to be invited**

Maximum number: 3

**II.2.10) Information about variants**

Variants will be accepted: No

**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

**II.2.14) Additional information**

The estimated total value at II.1.5 of £9,000,000 is the estimated value of the entirety of the Project (including all works and services to be carried across all phases of the Project).

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## **Section IV. Procedure**

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

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

Competitive procedure with negotiation

#### **IV.1.5) Information about negotiation**

The contracting authority reserves the right to award the contract on the basis of the initial tenders without conducting negotiations

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

The procurement is covered by the Government Procurement Agreement: Yes

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

#### **IV.2.2) Time limit for receipt of tenders or requests to participate**

Date

16 March 2023

Local time

12:00pm

#### **IV.2.3) Estimated date of dispatch of invitations to tender or to participate to selected candidates**

11 April 2023

#### **IV.2.4) Languages in which tenders or requests to participate may be submitted**

English

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## **Section VI. Complementary information**

### **VI.1) Information about recurrence**

This is a recurrent procurement: No

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

The Public Contracts Regulations 2015 apply to this procurement (the "Regulations"). The Authority is using the Competitive Procedure with Negotiation in accordance with Regulation 29 of the Regulations.

The Authority reserves the right to withdraw from or discontinue the procurement at any stage of the procurement process which shall include the right to not award the Contracts or award only part of the opportunity described in this Contract Notice.

The Authority shall not be liable for any costs incurred by those expressing an interest or tendering for this opportunity, including their associated entities or any other person.

If you wish to be considered as a tenderer, you must complete and submit a PAS91 selection questionnaire by the closing date and time. PAS91 selection questionnaires cannot be uploaded after the closing date/time.

Any clarifications regarding this opportunity must be raised through the messaging facility on the Portal.

The Authority undertakes to hold confidential any information provided in the tender submitted, subject to the Authority's obligations under law, including the Freedom of Information Act 2000.

If the tenderer considers that any of the information submitted in the tender should not be disclosed because of its commercial sensitivity or for reasons of confidentiality, then this should be stated with the reason for considering it sensitive. The Authority will then endeavour to consult with the tenderer about such commercially sensitive or confidential information when considering any request received under the Freedom of Information Act 2000 before replying to such a request, but the decision of the Authority in deciding whether an exemption applies is final.

The Authority reserve the right to carry out additional financial checks on all economic operators tendering for this opportunity at any time during the procurement process, to ensure that they continue to meet the Authority's requirements and remain financially viable to deliver the Contracts.

The Authority may require a group of economic operators to whom the Contracts are awarded to form a legal entity.

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

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

The High Court

Royal Courts of Justice, Strand

London

WC24 2LL

Country

United Kingdom

##### **VI.4.2) Body responsible for mediation procedures**

Centre for Effective Dispute Resolution

100 St. Paul's Churchyard

London

EC4M 8BU

Country

United Kingdom

##### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

In accordance with Regulation 55 of the Regulations, Candidates / Tenderers who are unsuccessful shall be informed by the Authority as soon as possible after the decision has been made as to the reasons why the Candidate/Tenderer was unsuccessful.

The Authority will incorporate a minimum 10 calendar day standstill period at the point information on the award of the Contracts is communicated to Tenderers.

If any clarification regarding the award of the Contracts has not been successfully

resolved, the Public Contracts Regulations 2015 provide for aggrieved parties who have been harmed or are at risk of harm by breach of the rules to take legal action. Any such action must be brought within the applicable limitation period. Where a contract has not been entered into, the Court may order the setting aside of the award decision or order the Authority to amend any document and may award damages. If a contract has been entered into the Court may, depending on the circumstances, award damages, make a declaration of ineffectiveness, order the Council to pay a fine, and/or order that the duration of the contract be shortened. The purpose of the standstill period referred to above is to allow the parties to apply to the Courts to set aside the award decision before the Contracts are entered into.

#### **VI.4.4) Service from which information about the review procedure may be obtained**

The High Court

Royal Courts of Justice, Strand

London

WC24 2LL

Country

United Kingdom