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Award

Sale of ground with a requirement to enter into a contract for the Design and Construction of 28No. homes for social rent

Midlothian Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-008242

Procurement identifier (OCID): ocds-h6vhtk-03b4e8

Published 22 March 2023, 8:51am

Section I: Contracting authority/entity

I.1) Name and addresses

Midlothian Council

Midlothian House, Buccleuch Street

Dalkeith

EH22 1DN

Email

procurement@midlothian.gov.uk

Telephone

+44 1312707500

Country

United Kingdom

NUTS code

UKM73 - East Lothian and Midlothian

Internet address(es)

Main address

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

Buyer's address

https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA00336

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

Sale of ground with a requirement to enter into a contract for the Design and Construction of 28No. homes for social rent

Reference number

MID/23/31

II.1.2) Main CPV code

- 45000000 - Construction work

II.1.3) Type of contract

Works

II.1.4) Short description

Sale of ground with a requirement to enter into a contract for the Design and Construction of 28No. homes for social rent

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: £5,313,300

II.2) Description

II.2.2) Additional CPV code(s)

- 45000000 - Construction work

II.2.3) Place of performance

NUTS codes

- UKM73 - East Lothian and Midlothian

Main site or place of performance

Phase AA, Shawfair, Danderhall North, Midlothian

II.2.4) Description of the procurement

Sale of ground with a requirement to enter into a contract for the Design and Construction of 28No. homes for social rent, Shawfair, Danderhall

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

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:
 - absence of competition for technical reasons

Explanation:

In terms of Midlothian Council's affordable housing policy, it is noted that the Shawfair area is one of the Council's locations with highest demand. As a result the Council requires to secure land within the Shawfair area to assist with meeting that demand and policy ambition and to deliver its Affordable Housing Supply Programme. The area of land at Shawfair owned by Stewart Milne Homes fits with that policy ambition. The contract for the purchase of land is an excluded contract under Regulation 11(1) of the Public Contracts (Scotland) Regulations 2015 (2015 Regulations).

The Sellers have included as a condition of the sale of its land that the Council is required to enter into a construction contract with Stewart Milne Homes for the construction of 28 social rented homes on the land being acquired. Without acquiring the land, the Council could not meet its policy in respect of affordable housing in the Shawfair area and the scheme would not be capable of progressing.

As a result the Council progressed using the negotiated procedure without prior publication on the basis the works could only be provided by Stewart Milne Homes on the basis that (i) for technical reasons competition is absent and (ii) Stewart Milne Homes has exclusive rights in respect of the land and has taken steps within the missives to protect its exclusive rights. There is no reasonable alternative in the Shawfair area. The negotiated procedure without publication was carried out pursuant to Regulation 33 (1) (b) of the 2015 Regulations.

Through this negotiated procedure, the Council has ensured that value for money has been achieved.

The Council will not award the contract for the period of at least 10 days from the date of publication of this notice and will also issue a contract award notice.

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

The procurement is covered by the Government Procurement Agreement: Yes

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

21 March 2023

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

Stewart Milne Homes North

Osprey House, Mosscroft Avenue, Westhill

Aberdeen

AB32 6JQ

Telephone

+44 1224747272

Country

United Kingdom

NUTS code

- UKM50 - Aberdeen City and Aberdeenshire

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: £5,313,300

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>

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[https://www.publiccontractsscotland.gov.uk/Search/Search_Switch.aspx?ID=726708.](https://www.publiccontractsscotland.gov.uk/Search/Search_Switch.aspx?ID=726708)

(SC Ref:726708)

VI.4) Procedures for review

VI.4.1) Review body

EDINBURGH SHERIFF COURT

SHERIFF COURT HOUSE, 27 CHAMBERS STREET

EDINBURGH

EH1 1LB

Country

United Kingdom