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Award

## **Option to Purchase Agreement of Land at Courtlands**

MARSHGATE LTD

F15: Voluntary ex ante transparency notice

Notice identifier: 2022/S 000-008319

Procurement identifier (OCID): ocids-h6vhtk-032719

Published 28 March 2022, 3:58pm

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

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

MARSHGATE LTD

Danestrete

STEVENAGE

SG11HN

#### **Contact**

Kirsten Brown

#### **Email**

[Kirsten.brown@stevenage.gov.uk](mailto:Kirsten.brown@stevenage.gov.uk)

#### **Telephone**

+44 1438242775

#### **Country**

United Kingdom

**NUTS code**

UKH23 - Hertfordshire

**Internet address(es)**

Main address

[www.stevenage.gov.uk](http://www.stevenage.gov.uk)

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

Body governed by public law

**I.5) Main activity**

Housing and community amenities

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**Section II: Object**

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

**II.1.1) Title**

Option to Purchase Agreement of Land at Courtlands

**II.1.2) Main CPV code**

- 45211100 - Construction work for houses

**II.1.3) Type of contract**

Works

**II.1.4) Short description**

Marshgate is placing a voluntary ex-ante transparency notice to advertise its intention to enter into an option to purchase agreement concerning land at Courtlands, Todds Green, Stevenage, Hertfordshire, SG1 2JE ('the Property') with further details set out below.

**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: £5,400,000

## **II.2) Description**

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

- 70122200 - Land purchase services

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

NUTS codes

- UKH23 - Hertfordshire

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

The proposed transaction provides for Marshgate to enter into an option to purchase agreement with EHP Land Development Ltd (EHP) of land at the Property.

The Property has the benefit of planning permission for 17 dwellings with associated infrastructure.

EHP has entered into an agreement for works for the construction of the dwellings and associated infrastructure with SJM & Co Ltd (SJM) (Agreement for Works).

The option to purchase is conditional upon Marshgate entering into a novation agreement with EHP and SJM for Marshgate to be a party to the Agreement for Works in place of EHP. The Agreement for Works specifies that SJM shall construct the dwellings and associated infrastructure as per the planning permission.

### **II.2.11) Information about options**

Options: No

### **II.2.14) Additional information**

This voluntary ex ante transparency notice is being published to enable the observance of a voluntary standstill period of 10 days. The standstill period will end at midnight on 7th April 2022.

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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:

This is a voluntary ex ante transparency notice pursuant to regs 99 - 100 of the Public Contract Regulations 2015.

Marshgate consider that the proposed transaction is not a public contract and is not caught by the Public Contracts Regulations because:

Marshgate have had no influence on the design of the works,

The construction of the works will simply be implementing a planning permission that has already been granted and one that Marshgate had no involvement in developing,

EHP have already entered into a legally binding contract for the construction of the works, and

The option to purchase is conditional on Marshgate entering into the novation of the Agreement for Works.

As such, the proposed transaction falls outside the scope of and does not need to comply with Part 2 of the Public Contracts Regulations 2015 (and therefore Directive 2014/24/EU) and may be awarded without prior publication of a Contract Notice in the Official Journal of the European Union.

#### **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**

A contract/lot is awarded: Yes

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

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

28 March 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**

EHP Land Development Ltd

Rickmansworth

Country

United Kingdom

NUTS code

- UKH23 - Hertfordshire

The contractor/concessionaire is an SME

Yes

#### **V.2.4) Information on value of contract/lot/concession (excluding VAT)**

Initial estimated total value of the contract/lot/concession: £5,400,000

Total value of the contract/lot/concession: £5,400,000

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## **Section VI. Complementary information**

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

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

High Court

London

Country

United Kingdom