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Award

## **VEAT Notice - Intention to award a public construction services contract for completing the design of a Community Treatment & Care Centre**

Southern Health and Social Care Trust

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-010029

Procurement identifier (OCID): ocds-h6vhtk-03bcf9

Published 5 April 2023, 4:40pm

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

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

Southern Health and Social Care Trust

Trust Headquarters, 68 Lurgan Road

Portadown

BT63 5QQ

#### **Email**

[info@southerntrust.hscni.net](mailto:info@southerntrust.hscni.net)

#### **Country**

United Kingdom

#### **Region code**

UK - United Kingdom

**Internet address(es)**

Main address

<https://etendersni.gov.uk/epps>

Buyer's address

<https://etendersni.gov.uk/epps>

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

Body governed by public law

**I.5) Main activity**

Health

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## **Section II: Object**

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

#### **II.1.1) Title**

VEAT Notice - Intention to award a public construction services contract for completing the design of a Community Treatment & Care Centre

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

- 71240000 - Architectural, engineering and planning services

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

Services

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

Intention to award a Public Construction Services contract under Regulation 32(2) (b) (ii) and (iii) of the Public Contract Regulations 2015 for the completion of an existing building design and competitive tendering of the subsequent construction works contract. The public construction services contract includes architectural, engineering and quantity surveying services to enable the Trust to complete the existing design with planning approval on a site purchased by the Trust. The Negotiated Procedure without Prior Publication is being followed and is justified under Regulation 32 (2) (b) (ii) and (iii)

#### **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: £3,670,000

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

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

NUTS codes

- UKN08 - Newry, Mourne and Down

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

The Trust wishes to develop a Community Treatment and Care Centre (CTCC) co-

locating existing Trust primary care services from a variety of unsuitable buildings in the greater Newry area to ensure that the primary care health needs of the population are met now and for future years to come.

The fundamental consideration is obtaining a suitable site in Newry that will accommodate a large primary care hub in a suitable for location. The Trust is purchasing a site at Abbey Way, Newry, which following a previous failed 3rd Party Delivery procurement, has planning approval for a 12,000m<sup>2</sup> primary care hub the design of which is substantially complete.

Following purchase of the site the Trust require the existing design developed in close corporation with the Trust and to its requirements to be completed and the subsequent construction works contract to be competitively tendered. The original design team having partially worked at risk have possession of the existing detailed design information and intellectual property rights over it. The existing design was developed over four years in close cooperation with the Trust and CPD Health Projects who invested significant staff resources in ensuring it met the Trust requirements and to abandon the design would entail loss of the public money invested to date and considerable delay as the design and planning approval were recreated.

The Negotiated Procedure without Prior Publication is being followed and is justified under Regulation 32 (2) (b) (ii) and (iii) for the award of a public construction services contracts for completion of the existing CTCC design for Abbey Way, Newry. The construction services can only be supplied by a particular economic operator due to their exclusive rights as the author of the existing design and the technical impracticality of an alternative design team being able to complete the existing design. A timely delivery of the development can be met because the existing design is substantially complete, has planning permission in place and will be delivered at significantly quicker, at lower cost to the public purse. There are no reasonable alternative or substitute development sites within the area that will meet the delivery timescales.

#### **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

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:
  - protection of exclusive rights, including intellectual property rights

Explanation:

The intention to award a public construction services contract for the completion of an existing design for a large primary health care hub on a site that the Trust is purchasing. During a previous failed 3rd Party Delivery procurement the Trust and CPD Health Projects invested considerable staff resources working with the preferred bidders design team to develop the design to meet Trust requirements. The design team who worked partially at risk for the preferred bidder hold the design information and have some intellectual property rights in respect of it. There are no reasonable alternative or substitute development sites, with planning permission within the desired location which would be suitable for the development of a large primary care centre. To appoint another design team would result in the loss of the public resources invested in the existing design and additional delay while the existing design is recreated.

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

The procurement is covered by the Government Procurement Agreement: Yes

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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**

30 March 2023

#### **V.2.2) Information about tenders**

The contract has been awarded to a group of economic operators: Yes

#### **V.2.3) Name and address of the contractor/concessionaire**

Scott Tallon Walker Architects

19 - 20 Merrion Square North

Dublin

D02 VR80

Email

[mail@stwarchitects.com](mailto:mail@stwarchitects.com)

Country

Ireland

NUTS code

- IE061 - Dublin

Internet address

<https://stwarchitects.azurewebsites.net>

The contractor/concessionaire is an SME

No

#### **V.2.3) Name and address of the contractor/concessionaire**

Albert Fry Associates Ltd. Structural Civil Engineers

Belfast

BT7 1SH

Email

[office@albertfryassociates.com](mailto:office@albertfryassociates.com)

Country

United Kingdom

NUTS code

- UKN06 - Belfast

Internet address

<https://www.albertfryassociates.com/>

The contractor/concessionaire is an SME

Yes

**V.2.3) Name and address of the contractor/concessionaire**

Semple McKillop Ltd. Mechanical Electrical Engineer

Belfast

BT8 8BD

Email

[info@semplemckillop.com](mailto:info@semplemckillop.com)

Country

United Kingdom

NUTS code

- UKN06 - Belfast

Internet address

<https://www.semplemckillop.com/>

The contractor/concessionaire is an SME

Yes

**V.2.3) Name and address of the contractor/concessionaire**

Hood McGowan Kirk LLP. Quantity Surveyor

Belfast

BT9 5NW

Email

[info@hmkni.com](mailto:info@hmkni.com)

Country

United Kingdom

NUTS code

- UKN06 - Belfast

Internet address

<https://www.hmkni.com/>

The contractor/concessionaire is an SME

Yes

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

Total value of the contract/lot/concession: £3,670,000

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## **Section VI. Complementary information**

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

This is a VEAT notice to show our intention to award a public construction services contract using the Negotiated Procedure without prior publication (Regulation 32 (2) (b) (iii)). A subsequent award notice will be published in due course.

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

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

CPD-Health Projects

Clare House

BELFAST

BT3 9ED

Country

United Kingdom