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Contract

## **Acquisition of land and associated construction works relating to proposed Becketwell Venue, Colyear Street, Derby**

Derby City Council

F03: Contract award notice

Notice identifier: 2021/S 000-010952

Procurement identifier (OCID): ocds-h6vhtk-02a619

Published 18 May 2021, 2:19pm

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

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

Derby City Council

Corporation Street

Derby

DE12FS

#### **Contact**

Sherry Russell

#### **Email**

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

#### **Telephone**

+44 1332640768

**Country**

United Kingdom

**NUTS code**

UKF11 - Derby

**Internet address(es)**

Main address

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

Buyer's address

[www.eastmidstenders.org](http://www.eastmidstenders.org)

**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**

Acquisition of land and associated construction works relating to proposed Becketwell Venue, Colyear Street, Derby

Reference number

TD1718

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

- 45000000 - Construction work

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

Works

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

Derby City Council ("the Council") has entered into contractual arrangements with SJS (4) Limited and St James Securities Group for the development of a performance venue.

The Council has entered into two principal agreements with SJS(4) Limited:

(1) A land sale agreement under which the Council will purchase land from SJS(4) Limited for a value of GBP 561,495 which is to be the main part of the site of the performance venue after SJS has satisfied conditions requiring SJS(4) Limited to secure planning permission for the development of the venue following approval of plans by the Council, achieve vacant possession, obtain relevant indemnity insurances and identify a tenant for the venue.

(2) A forward funding agreement under which the Council will provide GBP 45,238,505 funding for SJS(4) Limited to carry out demolition and construction at the site and St James Securities Group will act as Guarantor for the obligations of SJS(4) Limited.

## **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: £45,800,000

## **II.2) Description**

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

- 44000000 - Construction structures and materials; auxiliary products to construction (except electric apparatus)
- 45212000 - Construction work for buildings relating to leisure, sports, culture, lodging and restaurants

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

NUTS codes

- UKF11 - Derby

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

The Council intends to acquire a venue which will be suitable to lease to an operating partner for the delivery of performance events with a capacity of approximately 3,500 and a guaranteed annual revenue stream. This will form part of the regeneration of the Becketwell area of Derby.

The Council has entered into agreements with SJS(4) Limited under which the Council will acquire land from SJS(4) Limited and the Council and SJS(4) Limited will acquire third party land. SJS(4) Limited will carry out demolition and construction work on the land. The Council has entered into two principal agreements with SJS(4) Limited:

(1) A land sale agreement under which the Council will purchase land from SJS(4) Limited for a value of GBP 561,495 which is to be the main part of the site of the performance venue after SJS has satisfied conditions requiring SJS(4) Limited to secure planning permission for the development of the venue following approval of plans by the Council, achieve vacant possession, obtain relevant indemnity insurances and identify a tenant for the venue.

(2) A forward funding agreement under which the Council will provide GBP 45,238,505 funding for SJS(4) Limited to carry out demolition and construction at the site and St James Securities Group will act as Guarantor for the obligations of SJS(4) Limited.

The negotiated procedure without prior publication has been used and is justified under Regulation 32(2)(b)(iii) of the Public Contracts Regulations 2015 for the award of a public works contract for the development of a performance venue. The site to be acquired by the Council meets the Council's requirements from a performance venue and there are no reasonable alternative or substitute development sites. The works can only be carried out by a particular economic operator because of its exclusive rights as landowner of most of the land within the development site.

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

Price

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

Options: No

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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 services can be provided only by a particular economic operator for the following reason:
  - protection of exclusive rights, including intellectual property rights

Explanation:

The negotiated procedure without prior publication is being used and is justified under Regulation 32(2)(b)(iii) of the Public Contracts Regulations 2015 for the award of a public works contract for the development of a performance venue. The site to be acquired by the Council meets the Council's requirements from a performance venue and there are no reasonable alternative or substitute development sites. The works can only be carried out by

a particular economic operator because of its exclusive rights as landowner of most of the land within the development site.

#### 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.2.1) Previous publication concerning this procedure

Notice number: [2021/S 000-007848](#)

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## **Section V. Award of contract**

### **Contract No**

TD1718

A contract/lot is awarded: Yes

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

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

23 April 2021

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

Number of tenders received: 1

The contract has been awarded to a group of economic operators: No

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

St James (4) Limited

3rd Floor, Airedale House, Albion Street

Leeds

LS1 5AW

Country

United Kingdom

NUTS code

- UKE42 - Leeds

The contractor is an SME

Yes

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

Initial estimated total value of the contract/lot: £45,800,000

Total value of the contract/lot: £45,800,000

### **V.2.5) Information about subcontracting**

The contract is likely to be subcontracted

Short description of the part of the contract to be subcontracted

SJS (4) Limited intends to subcontract demolition and construction work relating to the venue to one or more approved subcontractors

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## **Section VI. Complementary information**

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

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

Derby City Council

Derby

Country

United Kingdom